



**U.S. Customs and  
Border Protection**

August 22, 2016

Commissioner

The Honorable Martha McSally  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McSally:

This is in response to your June 24, 2016 letter requesting that U.S. Customs and Border Protection (CBP) consider initiating the administrative rule-making process to revise the 75-mile limitation on travel within the State of Arizona for Mexican citizens who are holders of Border Crossing cards. The co-signers of your letter will receive a separate, identical response.

CBP understands the importance of promoting commerce and tourism while ensuring that sufficient safeguards are in place to prevent illegal entry to the United States. Changes to the regulatory limits are not without precedent, a similar regulatory change was submitted by CBP to change the 25-mile limit to 55 miles for the State of New Mexico. That change, on August 9, 2012, resulted in a Notice of Proposed Rulemaking (NPRM) being published in the Federal Register (77 FR 47558).

Currently, the air and sea environments utilize an automated process to issue an electronic (paperless) Form I-94. However, the land border still requires system input by an officer and physical presence of the alien at a port of entry. In an effort to streamline this process, CBP is in the process of developing an electronic system for persons to prepay for and obtain an I-94 online for the land border environment. An issue that will need to be addressed is how to verify the departure from the United States. Currently, in the air and sea environments, scanning of documents on the outbound leg of a journey shows a departure and thus the I-94 is no longer valid. In the land environment the I-94 is physically turned in and a departure is recorded. CBP will evaluate the process to identify a method that will facilitate the entry at land borders and provides for a validation of departure.

We thank you for the opportunity to address this very important issue. CBP will study the impact on both the Office of Field Operations as well as the U.S. Border Patrol to determine if an NPRM would be in the best interest for all involved. We look forward to working collaboratively to develop an equitable solution that properly balances and manages the security of the United States while allowing for the legitimate travel across the borders of our great country.

The Honorable Martha McSally

Page 2

If we may offer further assistance, please contact Mr. Michael Yeager, Assistant Commissioner, Office of Congressional Affairs, at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "R. Gil Kerlikowske". The signature is written in a cursive, flowing style with a prominent dot above the "i" in "Kerlikowske".

R. Gil Kerlikowske  
Commissioner



**Congress of the United States**  
**Washington, DC 20515**

June 24, 2016

R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Ave. NW  
Washington, DC 20229

Dear Commissioner:

We are writing to request your consideration for initiating a rule making process to revise the 75 mile limitation on travel within the State of Arizona for Mexican citizens who are holders of Border Crossing Cards (BCC).

As you know, the 75 mile limitation on travel inside Arizona has been in effect since 1999 when it was last changed to expand it from the original 25 mile zone. This expansion enabled Mexican citizens to travel and shop as far from the border as Tucson. The economic impact has been substantial and entirely positive for our state. However, the limitation does not allow this same tourist from Mexico to travel to the state's largest metropolitan area, Phoenix, or to enjoy such scenic beauties as Sedona and the Grand Canyon or experience the cultures of our many Native American communities. Expanding the permissible zone of travel to the entire state would greatly enhance the Arizona experience for every Mexican family holding a Border Crossing Card.

Tourism is Arizona's largest economic sector with 171,500 jobs statewide and an economic impact of \$20.9 billion. A recent study by the University of Arizona estimates the expanded zone would generate an estimated \$181 million in additional spending bringing the total spending of Mexican visitors to Arizona to nearly \$3.1 billion with a jobs impact of 31,766 jobs. A fact sheet with more details is attached to this letter.

As you are well aware, the Mexican citizen who is the holder of a Border Crossing Card is the most carefully scrutinized and vetted of any U.S. visa holder. They have a nearly flawless record of abiding by the rules of their visa, with the lowest overstay rate of any visa card group (less than one percent). Although hard data is difficult to find, it also appears that this group has an extremely low incidence of any arrest for criminal activity while in the United States.

Holders of a BCC who wish to travel beyond the 75 mile limit now are required to stop at the border to obtain an I-94 Visa. But this step is largely bureaucratic since the BCC holder has already gone through a screening process more rigorous than the I-94 visa requirements.


Eliminating this step could free up immigration inspectors for more important duties, thus saving

money for the agency and for the taxpayer.

This proposal is supported by regional planning agencies throughout Arizona, including the Maricopa Association of Governments and—significantly—those planning agencies and the City of Nogales which are already within the permitted travel zone. It is also supported by the Intertribal Council of Arizona.

We hope you will give this proposal favorable consideration and that you will initiate a rule making for this change. We stand ready to assist you in making this possible.

Sincerely,

  
Matt Salmon  
Member of Congress  
Kyrsten Sinema  
Member of Congress  
Trent Franks  
Member of Congress  
Ann Kirkpatrick  
Member of Congress  
Martha McSally  
Member of Congress



**U.S. Customs and  
Border Protection**

**AUG 24 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This is in response to your July 17, 2015, correspondence to U.S. Customs and Border Protection (CBP) on behalf of your constituent, (b) (6), (b) (7)(C), regarding a penalty issued to her by CBP under case number (b) (6), (b) (7)(C).

The original penalty amount of \$5,000 was assessed on June 30, 2014 under the provisions of 19 U.S.C. § 1581 for failure to stop on command at a U.S. Border Patrol checkpoint near (b) (6), (b) (7)(C) Arizona. Upon review of the case file by the Nogales Fines, Penalties and Forfeitures (FP&F) office, the penalty was amended to the lowest allowable penalty amount of \$1,000 on November 20, 2014.

With regards to (b) (6), (b) (7)(C) request to have this matter be heard in court, she was advised by the (b) (6), (b) (7)(C) FP&F office on May 6, 2015 that she has been afforded due process with regards to her penalty action in accordance with the procedures set forth in 19 C.F.R. Part 171 and CBP policy.

With regards to the denial of all petitions (b) (6), (b) (7)(C) submitted, the original petition for relief of the \$1,000 was filed with the (b) (6), (b) (7)(C) FP&F office on January 27, 2015, and a decision letter was forwarded to (b) (6), (b) (7)(C) on May 6, 2015 advising her of the option to either pay the \$1,000 penalty within 60 days from the date of the decision, or to file a supplemental petition pursuant to 19 C.F.R. §171.61.

(b) (6), (b) (7)(C) opted to file a supplemental petition on June 29, 2015, which was referred to the "designated Headquarters official" by (b) (6), (b) (7)(C) FP&F on July 29, 2015, and received by CBP Headquarters on August 3, 2015. The supplemental petition has been reviewed and it is concluded that a violation occurred, and (b) (6), (b) (7)(C) presented no new facts warranting further reduction of the penalty beyond the \$4,000.00 reduction already afforded.



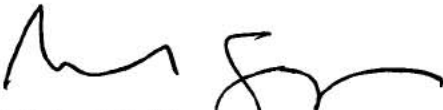
The Honorable Martha McSally

Page 2

(b) (6), (b) (7)(C) will be notified via mail of CBP Headquarters' decision by the (b) (6), (b) (7)(C) FP&F office. This decision is pursuant to current CBP mitigation guidelines for this type of violation and it exhausts the administrative process for (b) (6), (b) (7)(C)

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Yeager', with a stylized flourish at the end.

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs





**U.S. Customs and  
Border Protection**

**SEP 17 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B160  
Sierra Vista, AZ 85635

Dear Representative McSally,

This letter is in response to your August 14, 2015, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding the status of his pre-employment polygraph examination with U.S Customs and Border Protection (CBP).

For applicants to positions as Law Enforcement Officers at CBP, federal law requires polygraph screening. The U.S. Office of Personnel Management provides annual authorization to CBP's Office of Internal Affairs (IA) to conduct applicant screening polygraph examinations for CBP law enforcement officer positions. The examination administered to CBP applicants is approved by the National Center for Credibility Assessment (NCCA). CBP IA administers polygraph examinations in full compliance with all applicable federal polygraph policies and procedures.

On June 15, 2015, (b) (6), (b) (7)(C) did not successfully complete the polygraph test. Following this test, a second review of the examination was independently conducted by Quality Control. This review supported the results rendered by the field examiner and confirmed the polygraph test was administered in accordance with all policies and procedures. Under these circumstances, the existing test results cannot be appealed and further testing is not authorized. Consequently, (b) (6), (b) (7)(C) failed to meet a requirement for employment as indicated in the job announcement.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

  
Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



**U.S. Customs and  
Border Protection**

**JUN 06 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E Broadway Boulevard Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your April 20, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding the status of her conditional offer of employment as a Law Enforcement Communications Assistant with U.S. Customs and Border Protection (CBP).

CBP is pleased to report that we were able to render a favorable adjudication of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) background investigation. (b) (6), (b) (7)(C) will be contacted by our Office of Human Resources Management in the near future regarding the status of her application.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



**U.S. Customs and  
Border Protection**

**JUN 22 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your May 17, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding the status of his applications for employment with U.S. Customs and Border Protection (CBP) as a Border Patrol Agent and CBP Officer.

All applicants for law enforcement positions with CBP are subject to an extensive pre-employment screening process to determine their suitability for employment. This process includes the completion of a detailed background investigation questionnaire, a polygraph examination, from federally certified examiner, and a full-scope background investigation covering issues such as a candidate's personal and professional conduct, education, and prior work history.

During this process, (b) (6), (b) (7)(C) was determined unsuitable for employment with CBP. The Privacy Act precludes CBP from providing (b) (6), (b) (7)(C) with the specific reasons for CBP's determination. However, (b) (6), (b) (7)(C) of CBP's Office of Professional Responsibility, contacted (b) (6), (b) (7)(C) by telephone on June 14, 2016, to explain the reasons why he was found unsuitable. During the conversation, (b) (6), (b) (7)(C) acknowledged providing the information which led to the determination.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs





One Hundred Fifteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

March 21, 2017

SCANNED/RECEIVED  
BY ESEC SEC  
2017 MAR 22 AM 8:02

Secretary John Kelly  
Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, D.C. 20374

Director Mick Mulvaney  
Office of Management and Budget  
725 17<sup>th</sup> Street NW  
Washington, D.C. 20503

Dear Secretary Kelly and Director Mulvaney,

As the Chair and Vice Chair of the Committee on Homeland Security's Border and Maritime Security Subcommittee, and Members of Congress whose districts represent nearly half of the U.S.-Mexico border, we write today regarding the President's recent supplemental appropriations request to Congress.

As Representatives of the communities that make up our southern border, we recognize the need for robust border security and infrastructure to ensure public safety and increase cross border commerce. To that end we are pleased with the request for funding to increase the number of Border Patrol Agents, investments in infrastructure, and supplemental technology. However, we also have an obligation to be good stewards of taxpayer dollars and as such have a number of questions regarding the single largest dollar amount in the request, which is, "\$999 million for planning, design, and construction of the first installment of the border wall."

While we have both publicly stated in the past that we believe physical barriers to be one of many tools required to gain operational control of the border, we also believe that an expenditure this large, and submitted with limited details, deserves additional scrutiny to ensure funds are being used effectively in pursuit of our shared goal of securing the southwest border. As such, we have the following questions and ask for a response to the subcommittee by April 18, 2017.

1. What methods will DHS use to determine which areas along the border need physical barriers?
2. When constructing new barriers, will DHS consider existing manmade and natural barriers?
3. To what extent will Sector Chiefs and the Joint Task Force commanders have input on the methods used to achieve operational control of their relevant AORs?
4. To what extent will Governors, local law enforcement, ranchers, and other stakeholders have input on the methods used to achieve operational control of the southern border?



5. In light of the request for proposal's specific call for 30 foot concrete barrier, what steps will be taken to protect agent safety and ensure there are no impediments to agent's ability to visually identify threats?
6. What are DHS' plans to alleviate the current hiring backlog of both Customs and Border Protection officers and Border Patrol agents?
7. What steps, if any, does the Department plan to take to address the high rate of polygraph failures during the onboarding process for these employees?

Sincerely,



Martha McSally  
Chairwoman  
Subcommittee on Border and Maritime Security



Will Hurd  
Vice Chairman  
Subcommittee on Border and Maritime Security



**Homeland  
Security**

August 10, 2017

The Honorable Martha McSally  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McSally:

Thank you for your March 21, 2017 letter. Acting Secretary Duke asked that I respond on her behalf.

On behalf of the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP), we appreciate your recognition of the need for robust border security and infrastructure and its critical role with respect to national security and trade facilitation. We appreciate the investments Congress recently put forward in the Fiscal Year (FY) 2017 Omnibus package, including a \$772 million increase to CBP for border security and enforcement enhancements.

The FY 2018 President's Budget, delivered to Congress on May 23, 2017, requests your continued consideration of the significant additional work that remains to strengthen border security, enhance enforcement of immigration laws, and ensure public safety in communities across the United States. DHS and CBP remain committed to fulfilling these important responsibilities efficiently and effectively, to include the application of sound financial stewardship practices, thorough and inclusive planning, and collaborative solution development. To that end, we are pleased to provide you with the following responses to your questions.

Thank you again for your letter and your interest in this important issue. Representative Hurd, who co-signed your letter, will receive a separate, identical response.

If we may offer further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in dark ink, appearing to read "Ben Cassidy", written over a horizontal line.

Benjamin L. Cassidy  
Assistant Secretary for Legislative Affairs

Enclosure



**One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515**

SCANNED/RECEIVED  
BY EXEC SEC  
2017 JUL 10 PM 3:49

June 30, 2017

Secretary John Kelly  
Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, D.C. 20374

Dear Secretary Kelly,

I would like to invite you to visit Southern Arizona as soon as your schedule allows. My constituents live and work in close proximity to the U.S.-Mexico border and are confronted with the security risks that are associated with a porous border on a regular basis.

Seeing first-hand the challenges the people of Arizona's 2<sup>nd</sup> Congressional district deal with and the impact these challenges have upon their daily lives will help provide you with a fuller understanding of the border security and infrastructure needs in our area that are necessary to increase border security and increase the flow of cross-border commerce.

As you know, transnational criminal organizations (TCOs) are a serious threat to our homeland. Using sophisticated tactics, techniques and procedures to evade our borders security defenses, they frequently move drugs, money, people and weapons through communities in Cochise and Pima counties. Their illicit activity in my district regularly brings these dangerous individuals through a rancher's property or into quiet neighborhoods along the border.

Congress has recently provided robust funding to enhance security, including in the Consolidated Appropriations Act of 2017 that was signed into law in May of this year. More must be done, including a fresh look at our current Border Patrol strategy that pushes these criminal elements into the more rural areas along the border, instead of stopping illicit traffic as close to the border as the terrain allows.

In addition to the challenges between the ports of entry, we must also invest in modernizing and expanding the nation's aging Land Ports of Entry (LPOE) which are the conduits for the commerce that powers our economic growth and way of life.

The LPOE in Douglas, Arizona is one such port of entry that must be both modernized and expanded to take advantage of the untapped growth potential of increased cross-border traffic.

Not only is the current port inadequately designed to accommodate the security needs of the officers charged with scanning and screening the cargo, pedestrian and vehicle traffic that comes through, it also inhibits the ability of goods to move efficiently across the border.

Volume at the port of entry has experienced rapid growth in recent years and it now accounts for nearly \$4 billion in trade through two-way truck traffic, which has grown by five percent a year since 2010. Despite this increased activity, both the General Services Administration and the Arizona Department of Transportation have found that the port cannot handle the additional anticipated growth. A modernization and expansion in Douglas is necessary to ensure that cross border commerce can occur efficiently which will grow the economy not only in Southern Arizona but nationwide.

I encourage you to visit to see the problems we face personally. We look forward to hosting you as soon as possible. Thank you for leadership at the Department of Homeland Security.

My office stands ready to assist you and the men and women of the Department as they support the communities along the border in Southern Arizona.

Sincerely,



Martha McSally  
Chairwoman  
Subcommittee on Border and Maritime Security





**U.S. Customs and  
Border Protection**

**FEB 01 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Boulevard, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your January 5, 2017 correspondence on behalf of your constituents, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) regarding their request for U.S. Customs and Border Protection (CBP) to provide them with new Secure Electronic Network for Travelers Rapid Inspection (SENTRI) identification cards to use in the SENTRI lanes.

SENTRI is a voluntary program available to persons who pass a comprehensive background check and have no derogatory criminal history.

CBP is pleased to report that on December 27, 2016, we completed no-fee replacement SENTRI identification card applications for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) new cards will arrive in approximately two weeks at their addresses on file.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Kim M. Lowry".

Kim M. Lowry  
Acting Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C) on behalf of OCAINQUIRY  
**Sent:** Thursday, January 5, 2017 2:05 PM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: 01-05-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.01.05.17.pdf

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax)

(b) (6), (b) (7)(C)

**From:** Montano, Rosa (b) (5)  
**Sent:** Thursday, January 5, 2017 3:03 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) contacted our office in regards to their SENTRI cards. They state that their cards were confiscated because of a trailer that they were pulling that was not enrolled in the SENTRI program. (b) (6), (b) (7)(C) states that in 2012, when they both renewed their applications, there was a technical glitch with the card activation process that was finally worked out, but that might have had something to do with what happened. He states that since 2007, he have travelled thru the lane with this trailer unimpeded numerous times over the years, never having an issue until now.

(b) (6), (b) (7)(C) is respectfully requesting that this matter be looked in to, as he is hoping his cards will be returned.

Respectfully,



Rosa Montañño, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



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MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN  
SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes: No ☒ Who? \_\_\_\_\_  
(For USCIS) Immigration Case Number / A#: N/A  
(For IRS) Tax Return Year (s) in Question: N/A  
(For OPM) Civil Service Claim Number: N/A  
(For VA/Military) Veterans Affairs Claim Number: N/A  
Branch of service: (b) (6), (b) (7)(C) Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_  
SIGNATURE: (b) (6), (b) (7)(C) Date: 1/4/17

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN  
SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3116

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes:      No ☒ Who?     

(For USCIS) Immigration Case Number / A#: N/A

(For IRS) Tax Return Year (s) in Question: N/A

(For OPM) Civil Service Claim Number: NA

(For VA/Military) Veterans Affairs Claim Number: NA

Branch of service:      Military Rank:      Dates of service:      -     

SIGNATURE: (b) (6), (b) (7)(C) Date: 1-4-17

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



**U.S. Customs and  
Border Protection**

**JUN 15 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Blvd, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your June 2, 2015, correspondence on behalf of your constituent, (b) (6), regarding the status of her pre-employment polygraph examination with U.S Customs and Border Protection (CBP).

The U.S. Office of Personnel Management provides annual authorization to CBP's Office of Internal Affairs (IA) to conduct applicant screening polygraph examinations for CBP law enforcement officer positions. The examination administered to CBP applicants is the National Center for Credibility Assessment approved Law Enforcement Pre-Employment Test (LEPET). CBP IA administers the LEPET in compliance with all applicable federal polygraph policies and procedures.

On April 4, 2015, CBP administered the LEPET to (b) (6). Federal law requires polygraph screening for applicants to positions as law enforcement officers at CBP (b) (6). (b) (6) did not successfully complete the polygraph test administered to her by CBP. A second review of the examination was independently conducted by Quality Control following the test. This review supported the results rendered by the field examiner and confirmed the LEPET was administered in accordance with all applicable federal polygraph policies and procedures. Therefore, (b) (6) was found unsuitable for employment with CBP.

If you should need further assistance, please contact my office at (b) (6).

Sincerely,

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C) on behalf of OCAINQUIRY  
**Sent:** Wednesday, June 3, 2015 8:39 AM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: Inquiry (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) DHS.PAC.05.26.15.pdf

OES,

Please provide an official response to the attached inquiry. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Tuesday, June 02, 2015 4:22 PM  
**To:** OCAINQUIRY  
**Subject:** Inquiry - (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C)

has contacted our office in regards to a position she applied for with Customs and Border Protection. (b) (6), (b) (7)(C) reported that during the polygraph exam she passed all the sections except the terrorist section. (b) (6), (b) (7)(C) believes that there may have been a mistake on this section. (b) (6), (b) (7)(C) is respectfully requesting that you look in to this matter. Any information you may provide would be greatly appreciated. I have attached (b) (6), (b) (7)(C) privacy consent form detailing her circumstances for your review.

Regards,



Rosa Montaño, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588

(b) (6)





## Congresswoman Martha McSally

Date of Birth: (b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

### Information from Step one:

Name: (b) (6), (b) (7)(C)

Agency Involved: Customs and Border Protection/Office of Field Operations

Agency Case Number(s) (VA claim, Alien number, tax ID, etc.): Applicant ID: (b) (6), (b) (7)(C)

Name: (b) (6), (b) (7)(C)

Branch of Service (If Applicable):

Military Rank (If Applicable):

Street Address: (b) (6), (b) (7)(C)

City, State, Zip Code: (b) (6), (b) (7)(C)

Telephone #: (b) (6), (b) (7)(C)

Email Address: (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the Customs and Border Protection/Office of Field Operations to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

Nature of Problem: Dear Congresswoman McSally, My name is (b) (6), (b) (7)(C) and I am writing to you asking for your assistance in reference to what I believe was an unfair and absurd decision when it came to my hiring process with Custom and Border Protection. I applied for the position of officer with Customs and Border Protection and had pass satisfactory all the steps of the hiring process up until I submitted to a polygraph test. During the course of the exam, the polygrapher stated that I pass all aspects of the test except for the "terrorist" section. The polygrapher told me that I was being deceitful about my answer of not being involved in terrorist activities and attempted to have me change my answer to "pass" the test telling me that if I just told the truth that it would help me in my hiring process. Even though I kept saying that I was not involved in terrorist activities the polygrapher kept telling me that I was not telling the truth. It got to the point that I was becoming emotionally upset telling the gentleman that I am not a terrorist, didn't know anyone that is a terrorist, never was or is involved in any type of terrorist activities and that the only terrorism that I know about is what I have seen in the news. Today I received a letter from Customs and Border Protection Office of Human Resources Management Minneapolis Hiring Center stating that the agency is not considering my application any longer based on an unfavorable polygraph examination as reported by the Office of Internal Affairs. I am not and never will be a terrorist. I belong to a family that is very patriotic and law abiding citizens. My grandfather served in U.S. Army, my step father, whom I consider my father, served in the U.S. Air Force and is currently a Supervisory Special Agent with Homeland Security Investigations. My mother is also a federal employee, working for Customs and Border Protection as a Seized Property Specialist. My sister is currently serving in the U.S. Air Force Reserve as an Intelligence Specialist. How can I be accused of being involved in terrorism when a background investigation was not completed and is based on a test that in my instance is grossly inaccurate. Please be an advocate for me Congresswoman McSally. Very Respectfully, (b) (6), (b) (7)(C)

PLEASE NOTE:

(b) (6), (b) (7)(C), (b) (7)(E)

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry. (b) (6), (b) (7)(C)

Signature: (b) (6), (b) (7)(C)

Date: (b) (6), (b) (7)(C)

Print, and then mail or fax your request to Congresswoman Martha McSally at the following address.

Office of Congresswoman Martha McSally  
Attn: Constituent Services  
4400 E Broadway Boulevard, Suite 510  
Tucson, AZ 85711  
Phone: (520) 861-3588  
Fax: (520) 322-0400

(b) (6), (b) (7)(C), (b) (7)(E)





**U.S. Customs and  
Border Protection**

**DEC 13 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E. Broadway, Suite 510  
Tucson, AZ 85711

Dear Congresswoman McSally:

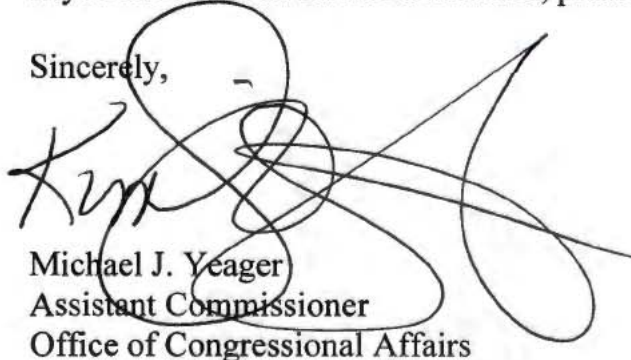
This letter is in response to your November 21, 2016, correspondence regarding (b) (6), (b) (7)(C) request to have his dental and vision benefits reinstated due to his wrongful termination.

After contacting the Indianapolis Hiring Center (IHC), it was confirmed that no premiums were deducted for his dental and vision coverage. IHC contacted BENEFEDS on behalf of (b) (6), (b) (7)(C) and was informed that his benefits can be reactivated back to his reinstatement effective date. In this case, uncollected, retroactive premiums will be due from (b) (6), (b) (7)(C)

In order to avoid any retroactive premiums currently owed, he may choose to enroll during Federal Benefits Open Season, currently in effect from November 14 through December 12, 2016, by contacting BENEFEDS at (877) 888-3337. This coverage will be effective January 1, 2017. It is important to note that in this case, (b) (6), (b) (7)(C) is responsible for all charges incurred as a patient for services rendered by his provider during the period in which his coverage was not in effect.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

**From:** CBPEXECSEC  
**Sent:** Thursday, November 17, 2016 12:15 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 11-16-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC&written statement.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi (b) (6), (b) (7)(C)  
Please assign to HRM to draft a response for OCA signature.

Thank you,  
(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Thursday, November 17, 2016 12:22 PM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 11-16-2016 MCSALLY (b) (6), (b) (7)(C)

OES,  
  
Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection  
(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Ash, Alesia (b) (6)  
**Sent:** Thursday, November 17, 2016 11:09 AM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** New congressional inquiry

Dear Congressional Liaison,

I am writing on behalf of our constituent, (b) (6), (b) (7)(C) who has contacted our office with concerns regarding enrollment in dental and vision programs. (b) (6), (b) (7)(C) states his employment was terminated in (b) (6), (b) (7)(C). He returned to duty in (b) (6), (b) (7)(C) after appealing to the Merit Systems Protection Board.

(b) (6), (b) (7)(C) states he has been paying for FEHB and dental and vision programs since his return to duty. However, only FEHB is effective. (b) (6), (b) (7)(C) states his dental and vision insurance is not effective despite contact with supervisors at the (b) (6), (b) (7)(C) BENEFEDS, and his National Treasury Employees Union Representative.

Please note that our office solely asks for a review of (b) (6), (b) (7)(C) eligibility for dental and vision coverage given his specific circumstances. Specifically, please clarify whether (b) (6), (b) (7)(C) must enroll during the standard Open Season or if he may be eligible to enroll based on the 60 days from return to duty. Please advise if any other means of redress may be available to (b) (6), (b) (7)(C)

Do not hesitate to contact me via email or the phone number below should you have any concerns or need additional information.

Sincerely,



Alesia Ash  
Community Outreach/Constituent Services  
Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal, Suite B-160  
Office Phone: 520-459-3115

(b) (6)



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MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE 8-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) **(b) (6), (b) (7)(C)**  
Address: **(b) (6), (b) (7)(C)** City, State: **(b) (6), (b) (7)(C)** Zip: **(b) (6), (b) (7)(C)**  
Phone Number: **(b) (6), (b) (7)(C)** E-mail Address: **(b) (6), (b) (7)(C)**  
Federal Agency Involved: CBP / ODO Social Security Number **(b) (6), (b) (7)(C)**  
Date and Place of Birth: **(b) (6), (b) (7)(C)**  
Have you contacted another congressional office? Yes:        No ☒ Who?         
(For USCIS) Immigration Case Number / A#:         
(For IRS) Tax Return Year (s) in Question:         
(For OPM) Civil Service Claim Number:         
(For VA/Military) Veterans Affairs Claim Number:       

Branch of service:        Military Rank:        Dates of service:        -         
SIGNATURE: **(b) (6), (b) (7)(C)** Date: 11/7/16

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

(b) (6), (b) (7)(C)

The Honorable Martha McSally  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McSally,

I write this letter to you today seeking your assistance as a federal employee. I have served the public (b) (6), (b) (7)(C) when I was hired as a United States Border Patrol Agent. I graduated from U.S. Border Patrol Academy (b) (6), (b) (7)(C) as the top graduate. My duties moved me from my home in (b) (6), (b) (7)(C) AZ to (b) (6), (b) (7)(C). During my time a Border Patrol Agent I became a Field Training Officer for new Border Patrol Trainees. I was an Intermediate Force Instructor charged with training men and women from all walks of life not only how to defend themselves with their law enforcement tools on their belts, but to deescalate situations with tools often forgotten. I was given a Recognition Award for my contributions to the Intermediate Force program at the (b) (6), (b) (7)(C). This award cited the major advancements the Intermediate Force program had taken as a direct result of my work. I was also recognized with an award for Service Above and Beyond the Call of Duty for actions I took with an injured motorist.

I worked as a Border Patrol Agent for a number of years until I decided I wanted to be closer to my family and I moved from Border Patrol to Customs and Border Protection as an Officer at the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) I again graduated at the top of my class as part of CBP Officer Basic Training Session (b) (6), (b) (7)(C). Furthermore, I graduated as the top of the class in Firearms Training, Physical Fitness, as well as served my class as a section leader. It was an honor to have been selected and help to lead 40 other individuals to success. Lastly, I was selected by CBP Academy Cadre to be awarded as the person who most exemplified the characteristics of Professionalism, Esprit de Corp, Pride, and Integrity.

I was wrongfully terminated in (b) (6), (b) (7)(C) for reasons I will never know. I was awarded my job back and returned to my duties in (b) (6), (b) (7)(C) after I appealed through the Merit Systems Protection Board. In the short time I've been back to work, my supervisors have complimented me on my work ethic and contributions to the mission here (b) (6), (b) (7)(C). While I wish this was the end of a hard time, my return to work has been less than smooth.

There has been a laundry list of administrative errors made by my agency during this process, seemingly to never end. It was recently discovered that even though I have been paying medical insurance dues via my bi-weekly paycheck, not one of these medical benefits had been renewed by my agency. I have been able to get the agency to restore my health insurance. However, the agency has been unable to restore my vision and dental insurances.

I have spoken directly to Benefeds on this matter, and Benefeds has given me two options to restore my benefits. Each of these options, however, will only restore my benefits by January 2017 at the earliest.

Meaning, I will have to go uncovered for two more months. One of their options given to me would actually require me to pay Benefeds back from April, for benefits I was not receiving, in order to have my vision and dental insurances restored. When I asked Benefeds why I was not able to simply re-enroll after all that has happened, they told me that my return to work date of (b) (6), (b) (7)(C) is outside the time frame of a qualifying life event and, therefore, I only have two options; pay them back or use the open enrollment season.

I have spoken to my National Treasury Employees Union representatives about the matter. They, and supervisors here at the (b) (6), (b) (7)(C) have stated that a Union Grievance will take some time to process and will not guarantee that my benefits are restored. As such, they have advised me to contact my local Representative for assistance.

I am asking you to help restore my vision and dental insurances. I have received what can only be described as incompetent assistance from members of CBP's Human Resources in Indianapolis. While members of my local HR have been nothing less than absolutely stellar, they are not in a position to restore my benefits. Benefeds has shut my local HR down at every turn and they have shut me down as well.

If you could find time to assist me, I would be forever grateful. Thank you for taking the time to read my letter and thank you for any assistance you are able to provide.

Your local supporter,

(b) (6), (b) (7)(C)





**U.S. Customs and  
Border Protection**

**MAY 17 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E. Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your March 1, 2017, correspondence on behalf of your constituent, (b) (6), (b) (7)(C), regarding the status of his BENEFEDS deductions after being reinstated as an employee with U.S. Customs and Border Protection (CBP).

On (b) (6), (b) (7)(C) was terminated from CBP. The Indianapolis Hiring Center (IHC) received a settlement decision directing the Agency to reinstate (b) (6), (b) (7)(C) with back pay and other entitlements. Effective June 26, 2016, the IHC reinstated (b) (6), (b) (7)(C) and restarted his Federal Employee Health Benefits, Federal Employee Group Life Insurance, and Thrifts Savings Plan. Effective July 10, 2016, BENEFEDS restarted (b) (6), (b) (7)(C) dental and vision coverage.

On October 27, 2016, (b) (6), (b) (7)(C) contacted his Mission Support Specialist and reported he did not have dental and vision coverage. The IHC provided (b) (6), (b) (7)(C) with the contact information for BENEFEDS in order to confirm coverage. BENEFEDS explained to (b) (6), (b) (7)(C) that he should have applied for coverage within 60 days of being reinstated. BENEFEDS also explained that unless (b) (6), (b) (7)(C) had a qualifying life event, the earliest he could apply for benefits was during the 2016 Open Season period that took place from November 14, 2016, to December 12, 2016. (b) (6), (b) (7)(C) asked the IHC to contact BENEFEDS; the IHC did so and received the same information.

After explaining that (b) (6), (b) (7)(C) was reinstated due to a settlement, the BENEFEDS representative explained that they could restart (b) (6), (b) (7)(C) dental and vision coverage on June 26, 2016. The representative also clarified that (b) (6), (b) (7)(C) would receive a bill for the missed premiums and that he would have the option of paying the bill or waiting for the 2016 Open Season period to apply for dental and vision coverage.

The IHC determined that (b) (6), (b) (7)(C) dental and vision coverage was cancelled on October 30, 2016. Unfortunately, it appears there may have been some confusion as several parties were calling BENEFEDS on (b) (6), (b) (7)(C) behalf and speaking to several levels of administrators at BENEFEDS while working through the issue.

On November 23, 2016, the IHC again contacted BENEFEDS at the request of (b) (6), (b) (7)(C) and confirmed that his dental and vision coverage was effective January 1, 2017. BENEFEDS would not discuss a bill or repayment plan with the IHC.

The Honorable Martha McSally

Page 2

On November 26, 2016, (b) (6), (b) (7)(C) notified the IHC via e-mail that BENEFEDS had taken deductions from his paycheck for dental and vision coverage. (b) (6), (b) (7)(C) called BENFEDS and the representative verified that he was covered, that they received a letter stating he was reinstated, and that BENFEDS was requesting back payment. (b) (6), (b) (7)(C) did not agree with this information. (b) (6), (b) (7)(C) stated that he is not obligated to pay for services that he did not use.

On November 27, 2016, the IHC e-mailed (b) (6), (b) (7)(C) that a BENEFEDS representative confirmed his dental and vision coverage would be reinstated. This was consistent with the language outlined in the settlement agreement. The BENEFEDS representative confirmed that (b) (6), (b) (7)(C) would be responsible for the unpaid premiums during that time. (b) (6), (b) (7)(C) had the option to pay the bill, or he could apply for coverage during the 2016 Open Season period, and not have coverage from the time between his reinstatement and the open enrollment. If he chose the latter option, his coverage would be effective January 1, 2017.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C).

Sincerely,

(b) (6), (b) (7)(C)

~~for~~ Kim M. Lowry  
Acting Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

**From:** CBPEXECSEC  
**Sent:** Monday, March 6, 2017 10:39 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: Incoming Correspondence: 03-01-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.2017.pdf; (b) (6), (b) (7)(C) CBP.2017 request letter.pdf; (b) (6), (b) (7)(C) MCSALLY (b) (6), (b) (7)(C) Signed response.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi (b) (6), (b) (7)(C)

We you are able could you please assign to HRM to draft. The signed response the constituent is responding to came from (b) (6), (b) (7)(C)

Thanks.  
(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Monday, March 06, 2017 10:13 AM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: 03-01-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. This is the same constituent from the attached signed response. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection  
(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) Blackberry | (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Ash, Alesia (b) (6)  
**Sent:** Wednesday, March 1, 2017 7:21 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** New inquiry

Dear Congressional Liaison,

I am writing on behalf of our constituent (b) (6), (b) (7)(C) who has requested further assistance with dental and vision enrollment issues. Our office previously submitted an inquiry on this matter in November 2016. After receiving an official response in December, the issue appeared to be resolved. (b) (6), (b) (7)(C) has since reported new concerns with the way in which his benefits were restored.



(b) (6), (b) (7)(C) was granted two options to reenroll in dental and vision benefits after he successfully appealed his termination. Option 1: Request reinstatement of benefits back to the date of his termination, and be held liable for retroactive premiums. Option 2: Enroll during Open Season and avoid paying retroactive premiums. (b) (6), (b) (7)(C) states he chose option 2.

In the attached written statement (b) (6), (b) (7)(C) explains, in summary, that BENEFEDS is erroneously deducting premiums from his paycheck to cover the period during which he was terminated. This was not his intent. (b) (6), (b) (7)(C) states his request was to enroll in coverage beginning January 2017 (Federal Benefits Open Season) to avoid being held liable for retroactive premiums. Please see the attached written statement for additional background information on (b) (6), (b) (7)(C) circumstances and requests.

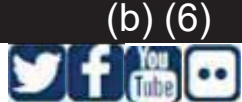
In order to assist (b) (6), (b) (7)(C) we respectfully request clarification on what additional action is required on his behalf to cease deductions for retroactive premiums. If the deductions cannot be stopped, please provide pertinent information on any other means of redress. To the greatest extent possible, please address the additional concerns contained in (b) (6), (b) (7)(C) correspondence.

Do not hesitate to contact me via email or phone should you have any questions or need additional information. Your assistance in this matter is greatly appreciated.

Sincerely,



Alesia Ash  
Community Outreach/Constituent Services  
Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal, Suite B-160  
Office Phone: 520-459-3115



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**U.S. Customs and  
Border Protection**

**DEC 13 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E. Broadway, Suite 510  
Tucson, AZ 85711

Dear Congresswoman McSally:

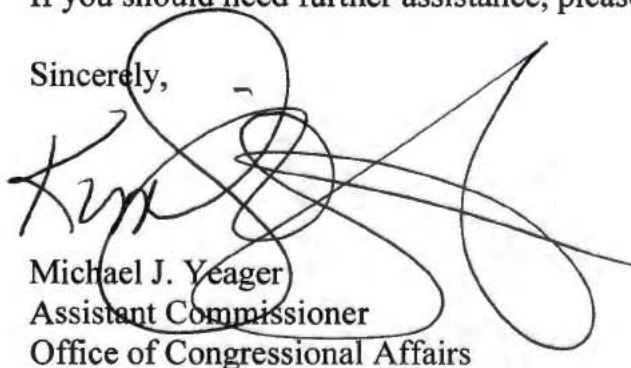
This letter is in response to your November 21, 2016, correspondence regarding (b) (6), (b) (7)(C) request to have his dental and vision benefits reinstated due to his wrongful termination.

After contacting the Indianapolis Hiring Center (IHC), it was confirmed that no premiums were deducted for his dental and vision coverage. IHC contacted BENEFEDS on behalf of (b) (6), (b) (7)(C) and was informed that his benefits can be reactivated back to his reinstatement effective date. In this case, uncollected, retroactive premiums will be due from (b) (6), (b) (7)(C)

In order to avoid any retroactive premiums currently owed, he may choose to enroll during Federal Benefits Open Season, currently in effect from November 14 through December 12, 2016, by contacting BENEFEDS at (877) 888-3337. This coverage will be effective January 1, 2017. It is important to note that in this case, (b) (6), (b) (7)(C) is responsible for all charges incurred as a patient for services rendered by his provider during the period in which his coverage was not in effect.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

The Honorable Martha McSally  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McSally

I reached out to your office in November and requested assistance from you in regards to an issue I was having with Customs and Border Protection (CBP) about my benefits as a federal employee. I am very grateful for all that you and your office have done in this matter. However, I feel CBP has failed to provide any real information.

Just a quick recap of all the things I have experienced with CBP over the course of 2016. I was wrongfully terminated in (b) (6), (b) (7)(C) and had to earn my job back through legal action. I was awarded my job and returned to work in June and yet had to fight CBP to restore my leave balances. I had to file a union grievance against the agency because they were not paying me at the correct rate of pay. I had to file a request for enforcement of the settlement agreement made between CBP and me with the judge that presided over the case. Due to certain non-disclosure issues, I cannot tell you why I had to request for enforcement.

I became aware that I was without all medical benefits in October when I went to the doctor's office. The receptionist was kind enough to tell me there was a problem with my insurance. After a few phone calls, (b) (6), (b) (7)(C) told me that I hadn't been covered since (b) (6), (b) (7)(C) which corresponded with my wrongful termination date. (b) (6), (b) (7)(C) told me they had received a "change of enrollment form" in July (one month after I returned to work) but had not received a "creation of enrollment form" from my agency. Because the incorrect form had been sent, they could not process a "change of enrollment." I looked at my pay stub and was confused as I clearly saw approximately \$67 being withdrawn from my paycheck every two weeks for health insurance. It was at that time I noticed that I wasn't having deductions for vision and dental insurances.

I immediately reached out to all levels of CBP's Human Resources (HR) to remedy the situation as quickly as possible. I was directed to speak to (b) (6), (b) (7)(C) of CBP's Indianapolis Hiring Center (IHC). I was frustrated with that as (b) (6), (b) (7)(C) had previously been tasked to handle all of the HR related items with bringing me back on board with CBP i.e. leave balances and pay issues.

I, reluctantly, spoke to (b) (6), (b) (7)(C) about my issue. He was able to get my medical insurance restored almost immediately, and I am thankful to him for that. However, (b) (6), (b) (7)(C) directed me to speak to Benefeds about my dental and vision coverages. I went ahead and followed his advice. In speaking to Benefeds, I found out that because my agency failed to complete their



duties, I could not be simply re-enrolled in benefits the way the (b) (6), (b) (7)(C) was able to restore my health insurance. Instead, I would either need to request a reinstatement of benefits or wait to enroll in benefits during open enrollment. A reinstatement of benefits would require Benefeds to complete an investigation to ensure I was eligible for enrollment based on various factors. If I was determined to meet their guidelines, the benefits would be restored but I would be sent a bill for the period I was not covered dating back to my reinstatement date. I was not willing to do either of those things. I felt that I should be restored immediately as the fault lay with CBP for my lack of insurance. Why should I be required to pay for a service I never had? Furthermore, why should I have to wait two months before I was covered via open enrollment? Neither of the options was fair.

I initially took that information to (b) (6), (b) (7)(C) and to (b) (6), (b) (7)(C) of the (b) (6), (b) (7)(C) of CBP via email. (b) (6), (b) (7)(C) acted on my behalf and reached out to Benefeds and received the same information I had received. I exchanged a few emails with (b) (6), (b) (7)(C) who said he was still working on trying to get my benefits restored. I even received an email from (b) (6), (b) (7)(C) a Staff Attorney with CBP's Office of Chief Counsel (OCC) in (b) (6), (b) (7)(C) so that I could give CBP the authorization to receive information from Benefeds about my benefits and to be able to get my benefits restored. All the while, I continued to call Benefeds and tried to get them to restore my benefits without utilizing the options they said I had: open enrollment or reinstatement and pay the bill I would receive from them.

While I was not initially willing to go with either of the options Benefeds had provided me, I remembered the track record of IHC in the handling of my reinstatement: failure to restore leave, failure to restore me to the proper pay grade, and the other undisclosed failure. I decided after a couple of days that I could not stand idly by and wait for CBP HR to finally do their job the correct way. I needed to make sure that I was covered. What if I lost a tooth because of something silly? I wouldn't have insurance to cover that. What if I had some kind of small infection in my eye? I wouldn't have insurance to cover that. I was forced to act. So, I called Benefeds and requested a reinstatement of benefits. I was told they would send me a bill once I was restored.

I requested assistance from your office about this issue around that time as well. I had had enough with CBP. I needed your help too. I advised your office of the two options I was given to restore my benefits. Your office kindly submitted an official request for information, which I was told can take about 30 days to receive a response on.

I discovered that I had my benefits restored in the latter part of November when I looked at my pay stub. I contacted Benefeds to ensure that I actually had benefits. I was told I did have benefits and the representative said they had sent the bill for back payment of dues to me. I contacted the Staff Attorney (b) (6), (b) (7)(C) at OCC and advised him I would not be paying that bill. Staff Attorney (b) (6), (b) (7)(C) requested that I send him that bill when I received it.

Unfortunately, I discovered on approximately December 6, 2016, that Benefeds was double deducting dues from my paycheck instead of sending me a bill like they stated they would every single time I had spoken to them previously. I reached out and asked why I was being double deducted instead of receiving a bill and the response was something to the effect that CBP HR

had received a notice of some kind and established double deductions via my paycheck. I asked Benefeds to stop the double deductions and was told that because Benefeds already has a way to recover the dues, they not only cannot, but also will not do anything to stop the double deductions. I asked Benefeds if I decided to opt out of the vision and dental insurances for 2016 if that would stop the double deductions. Their very straightforward answer was it absolutely would not. They will continue to withdraw the dues from my paycheck every two weeks until they have withdrawn dues 12 total times.

Then we arrive to December 13, 2016, which is the day that CBP's official response was received by your office. CBP was kind to summarize the issue and then proceeded to tell your office the same thing I already knew and the same thing I had made your office aware of when I requested your help. CBP gave me two options to restore my benefits. I could request reinstatement and pay back dues. Or I could utilize open enrollment, which had actually ended the day before CBP's response was even dated. In other words, they advised me to do something I couldn't do anymore. It doesn't matter that I had already taken both of these actions. What matters is that CBP has failed yet again. Maybe their response is partly my fault. Maybe I wasn't clear enough in what I needed the agency to do for me. Either way, their response is nothing short of par for the course.

As such, I am requesting Congressional Action. I ask that you, as my Congresswoman, attempt to achieve the following items:

1. Seeing as to how I cannot get Benefeds to stop the double deductions, I want CBP to pay me back for every double deduction previously made and any yet to be made. I am not at fault for not being covered. Had CBP not wrongfully terminated me, this would never have happened. Had CBP IHC employees correctly processed any part of my reinstatement, this would not have happened. I am being penalized and charged for something outside of my control and for something I was not receiving. I should in no way be responsible for paying Benefeds for that time period regardless of how my benefits were restored.
2. I want a letter of apology from (b) (6), (b) (7)(C) and any other HR employee involved in my reinstatement for not completing his/their duties properly. Mistake after mistake is enough. I don't want anyone to lose their job. I just want him and anyone else who erred to have to say he/they made mistakes. I would like for his/their letter(s) of apology to say what he/they did wrong and I would like it to have his/their actual signature(s). The level of stress I have had to endure as a result of his/their failures has been immense. I think an apology is in order.
3. I want Benefeds to explain why they said they would send me a bill when they never sent me a bill but instead sent my payroll a bill. Those are two very different things. Benefeds cannot respond with the nonsense about contacting my payroll and establishing double deductions with them. They need to explain why they sent a bill to payroll that caused the double deductions to begin instead of just sending the bill to me directly.
4. I want IHC to select a supervisory employee to go step by step through my reinstatement and ensure that every single benefit I had prior to being wrongfully terminated has been restored in their entirety. This supervisory employee should not be of the same level or grade as (b) (6), (b) (7)(C). This employee should be in some supervisory capacity above that of

(b) (6), (b) (7)(C) I want them to make sure I have health, vision, dental, life insurances, SAMBA, and any other benefit I previously held.

5. (b) (6), (b) (7)(C) told me in a telephone conversation that I would receive a check for the medical dues that had been drawn from my paycheck during the time I was not actually enrolled in medical benefits with (b) (6), (b) (7)(C) I want CBP to put that in writing. I want CBP to say that they are going to pay me back the dues taken when I was not enrolled with (b) (6), (b) (7)(C) because of CBP's errors. Furthermore, I want CBP to tell me the latest absolute date I should receive a check from them for dues they took from my paycheck for health insurance while I was not enrolled in health insurance with (b) (6), (b) (7)(C)

I know that I am asking a lot from you and your office. But I am completely fed up with dealing with CBP and their lack of ability in handling my reinstatement. I have incurred so much undue stress since March and it needs to be over. I shouldn't have to be worried about all of these things. I wasn't before I was wrongfully terminated. It has gotten to the point where it honestly feels like this is the agency's reprisal for me fighting them and getting my job back. And it really hurts me to say that.

I am a law enforcement officer. My benefits are hugely important to my livelihood. Not only my livelihood but should I have a bad day at work and never make it home, my family should be sure that all of my benefits are going to assist them in my absence. When I came into the service of the United States Border Patrol in (b) (6), (b) (7)(C) all of it was taken care of by the incredible HR employees in (b) (6), (b) (7)(C) When I was hired by CBP in March of (b) (6), (b) (7)(C) the wonderful local HR in (b) (6), (b) (7)(C) handled all of my benefits properly. The same should be said when I am wrongfully terminated and win my job back. My agency should have had this handled before I returned to work (b) (6), (b) (7)(C) This has not at any point been acceptable. It is nearing 2017. I need CBP to get the job done right.

I have nothing but the utmost respect for you and your office. I am eternally grateful for all you have done, not only as my representative and your actions during your meetings with various congressmen and women, but especially in you and your office's assistance in helping me restore what is just and right to my life.

Thank you,

(b) (6), (b) (7)(C)



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2342

DISTRICT OFFICES:  
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4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3528

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) **(b) (6), (b) (7)(C)**

Address: **(b) (6), (b) (7)(C)** City, State: **(b) (6), (b) (7)(C)** Zip: **(b) (6), (b) (7)(C)**

Phone Number: **(b) (6), (b) (7)(C)** E-mail Address: **(b) (6), (b) (7)(C)**

Federal Agency Involved: **CBP / I&O** Social Security Number: **(b) (6), (b) (7)(C)**

Date and Place of Birth: **(b) (6), (b) (7)(C)**

Have you contacted another congressional office? Yes: ☐ No ☒ Who? \_\_\_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_

SIGNATURE: **(b) (6), (b) (7)(C)** Date: 11/7/16

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

FEB 03 2016



**U.S. Customs and  
Border Protection**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your December 7, 2015, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) U.S. Air Force Reserve, regarding his pre-employment polygraph examination with U.S Customs and Border Protection (CBP).

I want you to know that CBP is strongly committed to hiring Veterans for positions throughout the agency. As of the end of FY 15, 28.83% of CBP employees are veterans, including 30.76% of all new hires, agency wide. Additionally, veterans with more the 30 percent compensable disability comprise 5.79% of the total workforce and 9.68% of new hires. These statistics demonstrate our resolute commitment to hiring veterans to fill critical positions throughout the workforce.

Currently, and regardless of an applicant's veteran status, Federal law requires polygraph screening for all applicants to positions as law enforcement officers at CBP. The U.S. Office of Personnel Management provides annual authorization to CBP's Office of Internal Affairs (IA) to conduct applicant screening polygraph examinations for CBP law enforcement officer positions. The examination administered to CBP applicants is approved by the National Center for Credibility Assessment (NCCA). CBP IA administers polygraph examinations in full compliance with all applicable federal polygraph policies and procedures.

On November 12, 2015, (b) (6), (b) (7)(C) did not successfully complete the polygraph test. In accordance with federal polygraph regulations, an independent quality control review must be performed prior to any test result being finalized. The quality control review process insures compliance with all test standards. Accordingly, a secondary review of the examination was independently conducted by Quality Control. This review supported the results rendered by the field examiner and confirmed the polygraph test was administered in accordance with all policies and procedures. Therefore, because the test was administered in compliance with all applicable guidelines, no basis for appealing the existing test results was established. Under these circumstances, CBP policy prohibits further testing and (b) (6), (b) (7)(C) failed to meet a requirement for employment as indicated in the job announcement.

The Honorable Martha McSally

Page 2

CBP remains committed to hiring veterans and will continue to work with Congress, the Department of Defense, and other relevant agencies to maximize opportunity for this valued population.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Yeager", is written over the typed name and title. The signature is stylized with large loops and a long horizontal flourish extending to the right.

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

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Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: ☒ No: ☐

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: USAF Military Rank: CAPT Dates of service: (b) (6), (b) (7)(C)

SIGNATURE: (b) (6), (b) (7)(C) Date: 7 DEC 2015

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



**U.S. Customs and  
Border Protection**

**AUG 14 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Blvd, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your June 23, 2017 correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C) regarding the status of his request for a compassionate transfer from the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to be closer to his family.

A review of CBP records indicates BPA (b) (6), (b) (7)(C) requested two non-per diem detail assignments and one compassionate transfer to (b) (6), (b) (7)(C). On November 7, 2014, BPA (b) (6), (b) (7)(C) submitted a request for a 60-day detail to (b) (6), (b) (7)(C) which was approved by the (b) (6), (b) (7)(C). In early 2015, BPA (b) (6), (b) (7)(C) submitted a request for a compassionate transfer to the (b) (6), (b) (7)(C). The Compassionate Transfer Policy requires the submission of medical documentation and will only be considered for situations involving a dire emergency affecting the physical or mental health of an employee or an employee's immediate family member who lives in the same household. (b) (6), (b) (7)(C) denied BPA (b) (6), (b) (7)(C) request on the grounds that the request did not meet the requirements of the program. CBP advised BPA (b) (6), (b) (7)(C) that he could submit a new request for further consideration; however, a new request was never submitted. On February 29, 2016, BPA (b) (6), (b) (7)(C) submitted a 60-day detail request, which was denied by the (b) (6), (b) (7)(C) citing "no evidence of any dire emergency other than having an opportunity to spend more time with his family."

CBP is in the process of establishing a relocation program. Once this program is in effect, BPA (b) (6), (b) (7)(C) may apply for relocation opportunities. Additionally, he may apply for other CBP entry-level law enforcement and non-law enforcement positions. Current vacancies can be viewed by accessing the Office of Personnel Management's website at <https://www.usajobs.gov>. By creating an account/profile, BPA (b) (6), (b) (7)(C) may sign up to receive automatic e-mail notifications when vacancies for positions of interest are open for application.

The Honorable Martha McSally  
Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Ladewicz", with a stylized flourish at the end.

John P. Ladewicz  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Monday, June 26, 2017 10:39 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 06-23-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.06.23.217.pdf

(b) (6), (b) (7)(C)

Could you please assign to OFO to draft a response for OCA signature.

Thank you

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Monday, June 26, 2017 10:50 AM  
**To:** CBPEXECSEC (b) (7)(E) (b) (6), (b) (7)(C)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** FW: Incoming Correspondence: 06-23-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (cell) | (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Mansfield, Brianna (b) (6)  
**Sent:** Friday, June 23, 2017 2:18 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** (b) (6), (b) (7)(C)

Dear Congressional Liaison,

Our constituent, (b) (6), (b) (7)(C) recently contacted our office asking for assistance.

(b) (6), (b) (7)(C) is currently stationed at the (b) (6), (b) (7)(C) Arizona. His wife, (b) (6), (b) (7)(C) who is currently serving a 5 year entry ban due to Fraud/Misrepresentation and they have a 2.5 year old son together. Due to the stress on his family and mental well-being, (b) (6), (b) (7)(C) has applied for two compassion transfers based on his family situation. The first request was granted though was denied at a later point; the second request was denied immediately.

(b) (6), (b) (7)(C) respectfully requests the reason as to why his compassion transfers were denied.

Any assistance in the matter would be greatly appreciated, thank you.



Brianna J. Mansfield  
Staff Assistant  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



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## Congresswoman Martha McSally

Date of Birth:

(b) (6), (b) (7)(C)

Social Security Number:

(b) (6), (b) (7)(C)

Information from Step one:

Name: (b) (6), (b) (7)(C)

Agency Involved: Customs and Border Protection

Tax Years in Question (if applicable): N/A

Agency Case Number(s) (VA claim, Alien number, tax ID, etc.): (b) (6), (b) (7)(C)

Name: (b) (6), (b) (7)(C)

Branch of Service (If Applicable): N/A

Military Rank (If Applicable): N/A

Street Address: (b) (6), (b) (7)(C)

City, State, Zip Code: (b) (6), (b) (7)(C)

Telephone #: (b) (6), (b) (7)(C)

Email Address: (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the Customs and Border Protection to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

Nature of Problem: My name is a (b) (6), (b) (7)(C) and I am a US Border Patrol Agent, currently stationed at the (b) (6), (b) (7)(C) Arizona. My wife is a (b) (6), (b) (7)(C) citizen and we have been trying to immigrant her to the United States for the last 7 years, with no success. Summer of 2010, my wife attempted to apply for a TN Visa to work and reside in the Miami, Florida but was denied. She was charged with Fraud/Misrepresentation which carries a 5 year entry ban and a lifetime mark on her immigration record, which means she can never apply for residency status in the United States. We are on a second immigration lawyer, have spent close to \$60,000 in lawyer fees, waiver applications, and almost 30 flights from the US to Canada so I can visit her. My wife has attempted to appeal her charges, and has been denied, on 2 different occasions. 2 different waiver requests, which would allow her at least temporary entry in the US, have been denied. We have a 2.5 year old son together, which she is raising by herself, as I attempt to support our family financially. I have had made 2 compassion transfer requests thru the Office of the Border Patrol and have been denied both times. I attempted what is called a "non-per diem



detail" to (b) (6), (b) (7)(C) which would have put me within a 30 minutes drive of my wife, but was denied. I have made multiple attempts to transfer permanently to (b) (6), (b) (7)(C) thru programs recently established by the Office of the Border Patrol but none have gone thru. I have offered to pay my own relocation fees, with ZERO reimbursement from the US government, and have been denied. I have seen 3 different therapists to deal with my depression and incredibly high stress levels from being separated from my family, even being hospitalized on (b) (6), (b) (7)(C) after an extreme emotional breakdown where suicidal thoughts began to consume me. My wife has missed multiple family events, including births, weddings, and funerals because she is not allowed into the country. I have nearly exhausted my Annual Leave allotment because I have taken so many trips to Canada in order to see my family. My wife and our immigration lawyer have put in a request with the (b) (6), (b) (7)(C) to reevaluate her case and it has not been looked at by anyone at the port for over a year. Requests to get status updates have gone unanswered. Nobody at the (b) (6), (b) (7)(C) seems to know nor care about her case and that is unacceptable. I reiterate, I am a US Border Patrol Agent, which means I work for CBP and am absolutely appalled at the blatant disregard the Office of Field Operations management at the (b) (6), (b) (7)(C) is treating her case. I want to reunited with my family. I deserve to be reunited with my family. All politicians do is campaign and boast and brag about how they put "families first". Well, here's a chance to prove it.

**PLEASE NOTE:**

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry. (b) (6), (b) (7)(C)

Signature: \_\_\_\_\_

(b) (6), (b) (7)(C)

Date: 06/20/2017

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Wednesday, November 22, 2017 12:36 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 11-22-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.11.22.2017.pdf

(b) (6), (b) (7)(C)

Please assign to OFO for OCA to sign.

(b) (6), (b) (7)(C)

Senior Analyst/OES  
Customs and Border Protection  
Office of the Commissioner

(b) (6), (b) (7)(C)

Washington, DC 20229

Desk (b) (6), (b) (7)(C)

Main Line: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Wednesday, November 22, 2017 11:56 AM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (7)(E)  
**Subject:** Incoming Correspondence: 11-22-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) (cell) (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Mansfield, Brianna (b) (6)  
**Sent:** Wednesday, November 22, 2017 11:37 AM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** Congressional Inquiry: (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) a constituent of Congresswoman Martha McSally, requests assistance with checking the status of his claim after a Border Patrol agent backed into his Chevy Impala.

(b) (6), (b) (7)(C) states that on March 16<sup>th</sup>, a border patrol agent back into his vehicle as a (b) (6), (b) (7)(C) the agent followed protocol and called their supervisor and a (b) (6), (b) (7)(C) came to make a report. The incident was not his fault and so the constituent's insurance company, (b) (6), (b) (7)(C) filed a claim number (b) (6), (b) (7)(C) As of November 13<sup>th</sup>, the constituent has not been reimbursed and asks for a status update to the claim.

Attached you will find (b) (6), (b) (7)(C) privacy release form and claim which may be helpful to further explain the situation. Any assistance you can provide would be greatly appreciated.

Respectfully,

Brianna J. Mansfield  
Staff Assistant | Congresswoman Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: (520) 881-3588



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRWOMAN  
BORDER AND MARITIME SECURITY  
SUBCOMMITTEE

COMMITTEE ON ARMED SERVICES



Congress of the United States  
House of Representatives  
Washington, DC 20515

WASHINGTON OFFICE:  
510 Cannon House Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3583

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

Privacy Act Consent Form

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.)

(b) (6), (b) (7)(C)

Address:

(b) (6), (b) (7)(C)

Zip:

(b) (6), (b) (7)(C)

Phone Number:

(b) (6), (b) (7)(C)

E-mail Address:

(b) (6), (b) (7)(C)

Federal Agency Involved:

BORDER  
PATROL

Social Security Number:

Date and Place of Birth:

(b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: \_\_\_ No: ☒ Who? \_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE:

(b) (6), (b) (7)(C)

Date:

11-13-17

\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\*

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Please provide a brief description of your problem (if additional space is needed please use a separate piece of paper):

Dear Congresswoman Martha McSally:

ON MARCH 16<sup>th</sup> OF THIS YEAR A BORDER PATROL AGENT BACKED INTO MY CHEVY IMPALA WHICH WAS PARKED AT A GAS PUMP AT A (b) (6), (b) (7)(C) THE BORDER PATROL AGENT FOLLOWED PROTOCOL AND CALLED A SUPERVISOR AND HAD A (b) (6), (b) (7)(C) COME AND MAKE A REPORT. THE INCIDENT WAS NOT MY FAULT AT ALL SO I HAD MY INSURANCE COMPANY FIX MY CAR. THE (b) (6), (b) (7)(C) CLAIM NUMBER IS (b) (6), (b) (7)(C) BORDER PATROL HAS ACKNOWLEDGED RECEIPT OF THE CLAIM SENT BY (b) (6), (b) (7)(C) BUT HAS YET TO SETTLE THIS AT ALL. I AM STILL OUT MY \$500<sup>00</sup> DEDUCTIBLE AND APPARENTLY THE FEDERAL GOVERNMENT DOESN'T CONCERN ITSELF WITH A TIME FRAME IN THESE MATTERS. WE ARE NOW EIGHT MONTHS LATER AND I FIND THIS TO BE BOTH DISAPPOINTING AND UNACCEPTABLE. ANY HELP YOU CAN GIVE TO THIS MATTER WOULD BE APPRECIATED.

Sincerely,

(b) (6), (b) (7)(C)

Print Name

11-13-17

Date

(b) (6), (b) (7)(C)



---





**U.S. Customs and  
Border Protection**

**NOV 03 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Blvd., Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your October 11, 2016, correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C) regarding his request for a compassionate transfer from CBP's (b) (6), (b) (7)(C) in the (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) in the (b) (6), (b) (7)(C) Sector.

CBP has a priority reassignment program known as the Compassionate Transfer Program. The guidelines of this program specify that a compassionate transfer request will be considered only for situations involving a dire emergency affecting the physical or mental health of an employee or an employee's immediate family member who resides in the same household.

BPA (b) (6), (b) (7)(C) has submitted two Compassionate Transfer requests, both related to his daughter. BPA (b) (6), (b) (7)(C) initial application for a Compassionate Transfer was received in May 2015. CBP's Compassionate Transfer Review Committee recommended that his request be sent to the CBP Office of Human Resources Management for a third-party physician review. The medical opinion dated June 26, 2015, recommended disapproval because no documentation cited a dire emergency and the care BPA (b) (6), (b) (7)(C) daughter requires is available in Arizona. The Compassionate Transfer Review Committee subsequently met and agreed with the physician's recommendation. BPA (b) (6), (b) (7)(C) chain of command was notified of the decision via memorandum on July 16, 2015.

Agent (b) (6), (b) (7)(C) submitted an additional request that was received February 19, 2016. The Compassionate Transfer Review Committee also denied this request because no documentation cited a dire emergency. BPA (b) (6), (b) (7)(C) wife and children have moved to (b) (6), (b) (7)(C) where his daughter is receiving medical care.

BPA (b) (6), (b) (7)(C) may apply for a transfer via the Voluntary Relocation Program, the Relocation Opportunity Bulletin, the Nationwide Swap Program, or [USAJobs.gov](http://USAJobs.gov), as opportunities become available.

The Honorable Martha McSally

Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Yeager", with a stylized flourish at the end.

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C) on behalf of OCAINQUIRY  
**Sent:** Wednesday, June 1, 2016 9:05 AM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: 05-27-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.05.24.16.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Friday, May 27, 2016 12:45 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) has contacted our office regarding his request for a compassionate transfer. (b) (6), (b) (7)(C) states that he has requested this transfer two times due to the medical condition of his 14 year old daughter. (b) (6), (b) (7)(C) states that the treatment his daughter needs is available in (b) (6), (b) (7)(C) which is why is has requested a transfer to the (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

I am aware that transfers are granted by the department, but (b) (6), (b) (7)(C) is humbly requesting that you look in to his request as he wishes to get the proper medical care for his daughter.

Sincerely,





Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588

(b) (6)



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5/26/2016

Help with a Federal Agency - Print | Congresswoman Martha McSally

---

## Congresswoman Martha McSally

**Date of Birth:**

(b) (6), (b) (7)(C)

**Social Security Number:**

(b) (6), (b) (7)(C)

**Information from Step one:****Name:** (b) (6), (b) (7)(C)**Agency Involved:** U.S. Border Patrol**Tax Years in Question (if applicable):****Agency Case Number(s) (VA claim, Alien number, tax ID, etc.):** None**Name:** (b) (6), (b) (7)(C)**Branch of Service (If Applicable):****Military Rank (If Applicable):****Street Address:** (b) (6), (b) (7)(C)**City, State, Zip Code:** (b) (6), (b) (7)(C)**Telephone #:** (b) (6), (b) (7)(C)**Email Address:** (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the U.S. Border Patrol to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

(b) (6), (b) (7)(C)

5/26/2016

Help with a Federal Agency - Print | Congresswoman Martha McSally

Nature of Problem: I am a U.S. Border Patrol Agent for a little over (b) (6), (b) (7)(C) years. I am currently a GS-11 currently assigned to the (b) (6), (b) (7)(C). I have respectfully requested, through proper channel, two attempts on a Compassionate Transfer that both have been denied. Due to a dire emergency of a physical health condition with my daughter (b) (6), (b) (7)(C) to prevent major surgery. (b) (6), (b) (7)(C) years old with a (b) (6), (b) (7)(C) condition and other pre-existing medical condition. The (b) (6), (b) (7)(C) has caused reduced mobility and pain. (b) (6), (b) (7)(C) my wife, has done extensive research on my daughter's condition and what treatment are available. (b) (6), (b) (7)(C) is currently a high risk for (b) (6), (b) (7)(C) if her condition is not treated aggressively during this current phase of her development it will lead toward major surgery. Traditional treatment such as the (b) (6), (b) (7)(C) is ineffective and will aggravate her pre-existing medical condition. She is currently undergoing a treatment with the (b) (6), (b) (7)(C) that works with her pre-existing condition. This treatment is correcting (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). The treatment is also relieving my daughter's current pain. My daughter's health condition has caused an enormous amount of stress and tension within my entire family. The struggle to overcome the financial burden that has been placed on my family to have this necessary treatment started immediately is not covered under our medical network. Being station in Arizona I would be the sole income provider and would not be able to afford all the medical expense needed for (b) (6), (b) (7)(C) treatment and therapy. Through the (b) (6), (b) (7)(C) website there are only a few doctors in the (b) (6), (b) (7)(C) area that offer this (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) found doctors in the (b) (6), (b) (7)(C) Arizona area and in (b) (6), (b) (7)(C) area that offer this (b) (6), (b) (7)(C). The concern that we have as parents is the availability for a doctor to provide unscheduled emergency (b) (6), (b) (7)(C) or attention that are outside the schedule appointment. While researching doctors in the (b) (6), (b) (7)(C) area we found that they have limited medical treatment available to (b) (6), (b) (7)(C) need. The doctors are only in the (b) (6), (b) (7)(C) area on average 2-3 days out of the month, the remainder of the time the doctors are practicing out of state. The doctors in the (b) (6), (b) (7)(C) Arizona area will not meet our daughter's needs for the (b) (6), (b) (7)(C) continue to be diligent in trying to find the best doctor that does this treatment and meet our requirement. We found (b) (6), (b) (7)(C) who can provide the (b) (6), (b) (7)(C) and specialized treatment and therapy that our daughter would require. (b) (6), (b) (7)(C) is the best doctor for the treatment since he has over 15 years of experience with the (b) (6), (b) (7)(C) Professor (b) (6), (b) (7)(C) the designer of the (b) (6), (b) (7)(C) has recommended (b) (6), (b) (7)(C) to other patients in the past with huge success rate of (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) has just one office, if we needed to schedule an emergency appointment we could do so the following day if required. We could even schedule an appointment over the weekend if the need arises. (b) (6), (b) (7)(C) is not located in Arizona, he is located in (b) (6), (b) (7)(C). We also discovered that (b) (6), (b) (7)(C) is a doctor that is within my medical network, if in the future the follow-up treatment and therapy could be covered by my medical network. We could not get this kind of medical attention from any of the doctors in the (b) (6), (b) (7)(C) area since they are only in the state for 2-3 days out of the month. As parents it is our responsibility to take care of our family. (b) (6), (b) (7)(C) and I did our research and found the best solution to (b) (6), (b) (7)(C) condition is located in the state of (b) (6), (b) (7)(C). We were able to find the best doctor and treatment for (b) (6), (b) (7)(C) and the ability to take care of all financial burden. Due to the dire emergency of my daughter's physical health condition and through much research the needs which I feel would necessitate reassignment to another location, again without putting any financial burden on my employer or co-worker.

PLEASE NOTE:

(b) (6), (b) (7)(C)



5/26/2016

Help with a Federal Agency - Print | Congresswoman Martha McSally

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry. (b) (6), (b) (7)(C)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

05/24/2016

(b) (6), (b) (7)(C)



**U.S. Customs and  
Border Protection**

**OCT 24 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your September 12, 2016, correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C) regarding the status of BPA (b) (6), (b) (7)(C) workers' compensation claim he filed with the U.S. Department of Labor (DOL), Office of Workers' Compensation Program.

A review of CBP records indicates BPA (b) (6), (b) (7)(C) claim was filed as the result of an injury he sustained while serving as an employee of CBP. BPA (b) (6), (b) (7)(C) alleges that DOL has denied his treating physician's request for additional surgery. DOL has issued a full response concerning the request for surgery in a letter dated September 8, 2016. We have enclosed a copy of the letter for BPA (b) (6), (b) (7)(C) review. In this letter the District Medical Advisor provides a complete explanation regarding his recommendation regarding continued conservative treatment.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

  
Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

Enclosures

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, October 5, 2016 1:39 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC; (b) (6), (b) (7)(C)  
**Subject:** FW: Incoming Correspondence: 10-03-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) PAC.9.16.16.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b) (6), (b) (7)(C)

After second look at this with Senior Writer-Editor (b) (6), (b) (7)(C) we think this should go to USBP, at least initially. Given that they may be working directly with the constituent-BPA and the Department of Labor already on the issue, USBP could draft it or at least have input.

Thank you.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

U.S. Customs and Border Protection  
Office of the Executive Secretariat  
Office of the Commissioner

(b) (6), (b) (7)(C)

Washington, DC 20229

Desk (b) (6), (b) (7)(C)

Main Line: (b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Wednesday, October 05, 2016 2:14 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC (b) (7)(E)  
**Subject:** FW: Incoming Correspondence: 10-03-2016 MCSALLY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Please Assign to HRM for OCA signature. Thank you.

(b) (6), (b) (7)(C)

*Correspondence Analyst  
U.S. Customs & Border Protection  
Office of the Executive Secretariat  
Office of the Commissioner*

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Tuesday, October 04, 2016 9:11 AM  
**To:** CBPEXECSEC (b) (7)(E)



**Cc:** OCAINQUIRY (b) (7)(E)  
**Subject:** Incoming Correspondence: 10-03-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) office) (b) (6), (b) (7)(C) Blackberry) | (b) (6), (b) (7)(C) fax)

(b) (6), (b) (7)(C)

---

**From:** De Young, Fiona (b) (6)  
**Sent:** Monday, October 03, 2016 6:49 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** RE: New Congressional Inquiry: (b) (6), (b) (7)(C)

Apologies, please find the constituent's PAC consent form attached,

Thank you,

---

**From:** De Young, Fiona  
**Sent:** Monday, October 03, 2016 3:48 PM  
**To:** (b) (7)(E)  
**Subject:** New Congressional Inquiry: (b) (6), (b) (7)(C)

Sir or Madam:

Our constituent, (b) (6), (b) (7)(C), has brought to our attention a concern about hardships he has sustained as a result of a work related injury. He states that he has difficulty getting the additional leave required to attend appointments, physical therapy, and sick leave for surgeries as a result of agency processes. His statement to our Congresswoman will give further detail about his concern.

Attached you will find his privacy act consent form and statement. Any information or assistance you can provide on behalf of (b) (6), (b) (7)(C) would be very much appreciated.

Sincerely,



Fiona de Young  
Constituent Services/ Community Outreach Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ, 85615  
Office Phone: 520-459-3115  
Fax: 520-459-5419

(b) (6)



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MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) **(b) (6), (b) (7)(C)**

Address: **(b) (6), (b) (7)(C)** City, State: **(b) (6), (b) (7)(C)** Zip: **(b) (6), (b) (7)(C)**

Phone Number: **(b) (6), (b) (7)(C)** E-mail Address: **(b) (6), (b) (7)(C)**

Federal Agency Involved: USBP / DOL Social Security Number: **(b) (6), (b) (7)(C)**

Date and Place of Birth: **(b) (6), (b) (7)(C)**

Have you contacted another congressional office? Yes: ☐ No ☒ Who? \_\_\_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: **(b) (6), (b) (7)(C)** (DHS / USBP)

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE: **(b) (6), (b) (7)(C)** Date: 09/12/2016

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

I AM A BORDER PATROL AGENT HERE IN ARIZONA, AT THE STATION. PART OF MY LEFT INDEX FINGER WAS TRAGICALLY AMPUTATED BY ONE OF OUR SERVICE DOGS AT TRAINING. I AM VERY DISPLEASED BY HOW EVERYTHING HAS BEEN HANDLED AFTER MY ON-THE-JOB INJURY. THE DEPT. OF LABOR HAS MADE THINGS VERY DIFFICULT IN TRYING TO GET TREATMENT.

I'VE HAD ONE SURGERY ALREADY, BUT DUE TO CONSTANT PAIN AND MORE COMPLICATIONS, I REQUIRE ANOTHER ONE. HOWEVER, THE DEPT. OF LABOR HAS DENIED MY DOCTOR'S REQUEST FOR THIS SECOND SURGERY.

I WOULD APPRECIATE IF YOU COULD INQUIRE INTO THIS MATTER. I HAVE SACRIFICED A LOT FOR MY COUNTRY AND JOB WHILE EMPLOYED BY THE U.S. BORDER PATROL. IT SHOULDN'T BE THIS HARD TO RECEIVE CAREFUL COMPENSATION, DAYS OFF TO RECOVER, ATTEND APPOINTMENTS/PHYSICAL THERAPY, OR TO RECEIVE THE APPROPRIATE CARE FROM SOMETHING LIKE THIS.

I APPRECIATE YOUR TIME.

Sincerely,

(b) (6), (b) (7)(C)

Print Name

09/12/2016

Date

DEC 12 2017



**U.S. Customs and  
Border Protection**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This letter is in response to your October 30, 2017, correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) regarding his request to CBP for a waiver from mandatory retirement.

Congress has set in statute a mandatory separation age for law enforcement personnel. Under the Federal Employees Retirement System, law enforcement personnel, including Border Patrol Agents, are required by law to retire at the age of 57, or as soon as 20 years of service have been completed after the age of 57. An employee may be exempt from the mandatory separation age until the age of 60 if the head of the employing agency determines that "the public interest so requires." In the case of the U.S. Border Patrol, this means the CBP Commissioner is the qualifying agency head to make such a determination. Moreover, the President, by executive order, may exempt a law enforcement officer from mandatory separation if the President determines it is in the public interest.

The mandatory separation age provides greater career progression and succession planning within CBP. Considering the standards established by Congress, the needs of the agency, and continued career growth opportunities for agents, it is appropriate that waivers to the mandatory separation requirement be considered on a case-by-case basis. Waivers are approved only when a clearly identified need outweighs the long-established interests in adhering to the standard. These approvals are anticipated to occur on a very infrequent basis. SBPA (b) (6), (b) (7)(C) was evaluated under the aforementioned criteria and was found ineligible for a mandatory separation waiver. SBPA (b) (6), (b) (7)(C) retired on October 31, 2017.

If SBPA (b) (6), (b) (7)(C) would like to request a copy of his hearing test documents, he can submit a request to the CBP Hiring Center by emailing (b) (7)(E) or he can submit a Freedom of Information Act (FOIA) request at <https://www.cbp.gov/site-policy-notices/foia> or via mail at the following address:

U.S. Customs and Border Protection  
FOIA Division  
799 9th Street NW, Mint Annex  
Washington, DC 20229

The request should include his full name, the last four digits of his Social Security number, and his date of birth.

The Honorable Martha McSally  
Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Ladowicz", with a stylized flourish at the end.

John P. Ladowicz  
Assistant Commissioner  
Office of Congressional Affairs



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: U.S. BORDER PATROL Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes:      No ☒ Who?     

(For USCIS) Immigration Case Number / A#:     

(For IRS) Tax Return Year (s) in Question:     

(For OPM) Civil Service Claim Number:     

(For VA/Military) Veterans Affairs Claim Number:     

Branch of service:      Military Rank:      Dates of service:      -     

SIGNATURE: (b) (6), (b) (7)(C) Date: 9/26/17

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

THE BORDER PATROL WILL NOT PROVIDE ME WITH MY PRE EMPLOYMENT  
HEARING TESTS AFTER TELLING ME I HAVE SUFFERED A HEARING LOSS.

THE BORDER PATROL IS MAKING ME RETIRE (b) (6), (b) (7)(C) DUE TO  
AGE. I HAVE REQUESTED A WAIVER BUT WAS DENIED.  
THE BORDER PATROL CAN'T HIRE FAST ENOUGH TO KEEP UP WITH ATTRITION.

I HAVE LEFT DOCUMENTATION REGARDING BOTH MATTERS AT YOUR  
(b) (6), (b) (7)(C) OFFICE.

Sincerely,

(b) (6), (b) (7)(C)

9/26/17

Print Name

Date



FEB 08 2017



**U.S. Customs and  
Border Protection**

The Honorable Martha McSally  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McSally:

This is in response to your January 4, 2017 correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding the difficulties he claims his wife experienced when processing through U.S. Customs and Border Protection (CBP) at the Port of Naco.

CBP is tasked with protecting our Nation's borders as well as enforcing numerous laws at our Nation's ports of entry on behalf of a variety of other government agencies, including state and local law enforcement. CBP officers routinely access information provided by these agencies to conduct examinations. All international travelers attempting to enter the United States, including all U.S. citizens, are subject to examination upon each arrival into this country. Occasionally, CBP may inconvenience law-abiding persons in our efforts to detect, deter, and mitigate threats to our homeland caused by the few individuals who are involved in illicit activities. We rely on the patience, cooperation, and understanding of travelers to ensure the effective protection of our borders.

Please allow me to express regret for any conduct (b) (6), (b) (7)(C) may have been perceived as rude or unprofessional during CBP processing. CBP takes allegations of employee misconduct very seriously and has instituted policies pertaining to abuses of authority. Complaints of unprofessional conduct are recorded, investigated, and appropriate action is taken against CBP officers who are found to have violated policy. However, the Privacy Act prohibits any disclosure of discipline towards CBP personnel.

(b) (6), (b) (7)(C) presented herself for admission via the pedestrian lane at the Port of Naco. During the primary interview, (b) (6), (b) (7)(C) gave a brief synopsis of what had transpired in Mexico and stated that someone was on their way to pick her up. At no time did (b) (6), (b) (7)(C) request any assistance from the CBP officer and since there were no grounds to refuse admission or detain (b) (6), (b) (7)(C) she was admitted into the United States. In total, (b) (6), (b) (7)(C) spent less than two minutes at the port.

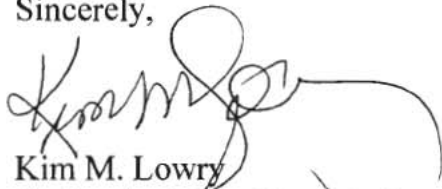
While the (b) (6), (b) (7)(C) experience in Mexico may seem far outside of the norm, the ports in Arizona, on occasion, do encounter travelers who have suffered a traumatic experience while visiting Mexico. As such, all our CBP personnel receive training on how to professionally address these situations. If (b) (6), (b) (7)(C) had requested assistance, the supervisor would have been notified and would have aided her, by allowing (b) (6), (b) (7)(C) to use the phone, contact people on her behalf, and/or in contacting a government agency that could better assist her and her husband, such as the U.S. Consulate.



The Honorable Martha McSally  
Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read 'Kim M. Lowry', with a large, stylized loop at the end.

Kim M. Lowry  
Acting Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Thursday, January 5, 2017 1:55 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 01-04-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.12.01.16.pdf

H (b) (6), (b) (7)(C)

Please assign to USBP and reply with the folder ID.

Thank you,

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Thursday, January 05, 2017 10:38 AM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 01-04-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Wednesday, January 4, 2017 6:19 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** Inquiry-Harding

Dear Congressional Liaison,

(b) (6), (b) (7)(C) sent our office the attached letter regarding the treatment of his wife by a border patrol agent. He has received a response from the (b) (7)(E) station and is respectfully requesting that this issue be elevated in order to ensure proper treatment of U.S. Citizens. Your response to (b) (6), (b) (7)(C) would be really appreciated.

Respectfully,



Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



[Sign up for our e-newsletter](#)



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes: \_\_\_ No: \_\_\_ Who? \_\_\_  
(For USCIS) Immigration Case Number / A#: \_\_\_  
(For IRS) Tax Return Year (s) in Question: \_\_\_  
(For OPM) Civil Service Claim Number: \_\_\_  
(For VA/Military) Veterans Affairs Claim Number: (b) (6), (b) (7)(C)  
Branch of service: (b) (6), (b) (7)(C) Military Rank: (b) (6), (b) (7)(C) Dates of service: \_\_\_ - \_\_\_  
SIGNATURE: (b) (6), (b) (7)(C) Date: 12/01/16

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

**Please return completed form to:**

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

**Or**

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

(b) (6), (b) (7)(C)

December 22, 2016

Honorable Martha McSally  
House of Representative, Arizona 2<sup>nd</sup> District  
77 Calle Portal  
Sierra Vista, AZ 85635

Dear Representative McSally,

I am seeking your assistance with an issue that occurred on November 8, 2016, involving the the United States Custom's check point Naco, Arizona and the United States Border Patrol Station, (b) (6), (b) (7)(C), (b) (7)(E) located near (b) (6), (b) (7)(C) AZ. Please forgive me as I give you some detail in the back story but it is necessary to understand the entire issue.

I am a retired Army lieutenant colonel and live in (b) (6), (b) (7)(C). On, Saturday, November 5, 2016, I placed my .45 Caliber Ruger handgun in my truck with intent of going to a local shooting range. Weather prevented me from going as I had planned but in my error, I failed to remove my handgun from my truck. I did not drive my truck again until Tuesday, November 8, 2016 when I drove my wife to dentist in Naco, Mexico. This was my first time entering Mexico through the Naco checkpoint. There is a lot of construction occurring at the checkpoint and I saw no signs to park and walk through. I am well aware of Mexican law not allowing weapons or ammunition in Mexico. However, in this case, I made an error and forgot I had placed my handgun in my vehicle. My error cost me over \$12,000 in fines and legal fees dealing with the Mexican authorities. My case has been settled with the Mexican authorities. I take responsibility for my error but this is not why I am writing for your assistance. I am writing due to the treatment my wife received by US Customs and Border Patrol agents when she reentered the United States.

Initially, my wife and I were both held in detention by the Mexican authorities. After approximately one and a half hours, the Mexican authorities released my wife but held and transferred me to a Aqua Prieta, Mexico detention facility for the next 36 more hours. My wife reentered the United States through the Naco US Customs checkpoint. I told her upon her entry to immediately go to one of the officers and tell them what happened and request help. My wife was in shock seeing I was being placed in a Mexican authority vehicle to be transported to an unknown location.

As she walked through the gate she was screamed at by a US Customs agent to go in another direction. She walk where directed and immediately told the agent taking her passport she was in shock and needed help. She stated to the agent taking her passport that "my husband honestly forgot his handgun was in his truck and has been arrested and is being taken away by the Mexican authorities." She was crying uncontrollably, shaking, and was visibly in need of help. She specifically asked for the agent to help her. The agent, with no sympathy whatsoever, looked at her and told her "it sucks to be you." He then took her passport and hurriedly rushed her out the the checkpoint facility. My wife was in such shock she could not



even remember the passcode to her cell phone to call for help. She also had no transportation since the Mexican authorities had siezed by truck. The US Customs agents at the Naco checkpoint did not offer her assitance of any kind. The did not even offer to make a phone call although she requested help and was visibly in need of help. The only thing they did was wisk her out the checkpoint as quickly as they could not even checking her purse so that they did not have to deal with her.

In shock, alone, not knowing what else to do and unable to contact anyone, she started walking back to our home which is 40 miles from the Naco checkpoint. As she was approximatley 3 miles into her walk when a US Border Patrol agent stopped her. The Border Patrol agent, driving a SUV, asked her what was wrong. She again, stated she needed help and was in shock. She told the agent I had accidently traveled into Mexico with a gun and that it was an honest mistake but they took me somewhere and she doesn't know where they took me. Callously, the agent looked at her and told her, "well say goodbye to the gun, goodbye to the truck, and goodbye to your husband because you are not going to see him again for quite sometime." He then drove away leaving her with no offer of assistance. He didn't even offer her water.

My wife walked another 2.6 miles before calming herself and was able to remember her passcode to her cell phone. She walked a total of 5.6 miles in the desert from the Naco checkpoint before being able to call a friend to assist her. I am a former police officer and served 30 plus years in the military. Never before in my life have I seen such a blatant disregard by a federal police organization such as my wife experienced with the US Customs and Border Patrol on November 8, 2016. My wife, in shock and asking for help, could only get ridicule and mockery from these agents sworn to protect and serve.

I am asking for your assistance to make sure this gets elevated to those that can prevent this from happening to anyone else. I have filed a complaint with the US Border Patrol, Agent (b) (6), (b) (7)(C) I received a response from the Border Patrol, Tucons Office which is attached. I have also spoken with the US Customs Deputy Commander, Naco Check Point , but he has not contacted me since our intial phone call. I have no idea what is being done to prevent this from happening again at the US Customs Checkpoint in Naco, AZ.

My wife was treated horribly in this incident by the US Customs and Border Patrol. I think this event deserves the attention of those that can ensure another US citizen will not be not treated with such disdain and disrepect again.

Thank you for your time and your service.

(b) (6), (b) (7)(C)



(b) (7)(E)



U.S. Customs and  
Border Protection

November 23, 2016

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

Thank you for the opportunity to research and investigate your complaint (Reference (b) (7)(E) (b) (7)(E) dated November 16, 2016, regarding an allegation of mistreatment of your wife on behalf of a Border Patrol Agent. The complaint was received at my office on November 22, 2016. The U.S. Border Patrol takes all grievances seriously and I assure you that I have looked into this matter thoroughly. I also want to assure you that these actions are not representative of the United States Border Patrol, the (b) (7)(E) nor the personnel assigned to the station.

After careful review of the assertions and the background information provided, I was unable to identify any individual directly responsible. However, agents have been reminded that we carry out our mission with the utmost professionalism and seek appropriate assistance for those experiencing a traumatic incident. Should you have further information to provide regarding this complaint, please contact our office.

Please be assured of our commitment of continued cooperation and communication with the public. If you have any further questions, please feel free to contact me at (b) (6), (b) (7)(C)

Sincerely,

(b) (6), (b) (7)(C)

Patrol Agent in Charge

(b) (6), (b) (7)(C), (b) (7)(E)

cc: (b) (6), (b) (7)(C) TCA Policy Compliance Division

(b) (6), (b) (7)(C) TCA Communications Division



**U.S. Customs and  
Border Protection**

OCT 04 2017

The Honorable Martha McSally  
U.S. House of Representatives  
440 E. Broadway Blvd., Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your July 24, 2017, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding his inquiry to U.S. Customs and Border Protection (CBP) concerning (b) (6), (b) (7)(C) termination by (b) (6), (b) (7)(C)

CBP takes allegations of employee misconduct very seriously and has instituted policies pertaining to abuses of authority. Under a uniform system, allegations of misconduct are documented and referred to the Department of Homeland Security (DHS) Office of Inspector General (OIG) for independent review and assessment. Cases are either retained by the DHS OIG for investigation or referred back to CBP's Office of Professional Responsibility (OPR) for further handling. Appropriate action is taken against CBP employees who are found to have violated policy; however, the Privacy Act prohibits any disclosure of discipline towards CBP personnel.

To obtain the information cited in his correspondence, (b) (6), (b) (7)(C) must submit a Freedom of Information Act (FOIA) request. CBP's FOIA office is not in receipt of a request from (b) (6), (b) (7)(C) however, CBP used your correspondence sent to our attention as (b) (6), (b) (7)(C) official FOIA request. CBP forwarded (b) (6), (b) (7)(C) request to the FOIA office for processing on August 11, 2017. The CBP FOIA Office processes all FOIA requests in the order in which they are received. Upon completion of a thorough search of the requested records, CBP will forward any and all applicable information to (b) (6), (b) (7)(C) attention at the address included in your correspondence.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



John P. Ladowicz  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C) on behalf of OCAINQUIRY  
**Sent:** Monday, August 7, 2017 10:10 AM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: 08-04-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.08.04.2017.pdf

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (cell) | (b) (6), (b) (7)(C) (fax) | (b) (6), (b) (7)(C)

---

**From:** Mansfield, Brianna (b) (6)

**Sent:** Friday, August 4, 2017 1:14 PM

**To:** (b) (7)(E)

**Subject:** Inquiry (b) (6), (b) (7)(C)

Dear Congressional Liaison,

Our constituent, (b) (6), (b) (7)(C) recently contacted our office seeking assistance.

Please see the attached Privacy Act Consent form which provides a detailed summary of (b) (6), (b) (7)(C) circumstances.  
(b) (6), (b) (7)(C) respectfully requests information surrounding the circumstances of his termination and a response from the United States Border Patrol.

Any assistance in the matter would be greatly appreciated, thank you.

Respectfully,



Brianna J. Mansfield  
Staff Assistant  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



7/24/2017

Help with a Federal Agency - Print | Congresswoman Martha McSally

## Congresswoman Martha McSally

Date of Birth:

(b) (6), (b) (7)(C)

Social Security Number:

(b) (6), (b) (7)(C)

Information from Step one:

Name: (b) (6), (b) (7)(C)

Agency Involved: CBP - Homeland Security

Tax Years in Question (if applicable):

Agency Case Number(s) (VA claim, Alien number, tax ID, etc.): none

Name: (b) (6), (b) (7)(C)

Branch of Service (If Applicable):

Military Rank (If Applicable):

Street Address: (b) (6), (b) (7)(C)

City, State, Zip Code: (b) (6), (b) (7)(C)

Telephone #: (b) (6), (b) (7)(C)

Email Address: (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the CBP - Homeland Security to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

Nature of Problem: The United State Border Patrol Major (b) (6), (b) (7)(C) has been interfering with the contractors disciplinary process (b) (6), (b) (7)(C) as a result he has been abusing contractors unfairly. I have been terminated for a non terminable offense under orders from Major (b) (6), (b) (7)(C). At anytime i would love to share and turn over any and all documentation in regards to this matter. Any and all of my personal actions while on the job are recorded by video. The video has been reviewed by many persons of authority and no individual has been able to find an infraction of any policy. My Union Representative has been given the run around by Major (b) (6), (b) (7)(C) and Corporate stating they will review all of the video tapes and deliver a response. We have been waiting over 30 days for a response. I was injured two days before these allegations and have been on workmans compensation since. The Company has stated that they will cover the medical half but, but because Major (b) (6), (b) (7)(C) ordered the Termination they will not pay the workmans compensation salary benefit. Major (b) (6), (b) (7)(C) stated VIA the Captian (b) (6), (b) (7)(C) that in order for me to get my job back I had to reveal my medical past regarding kidney issues. This was demeaning as well as against HIPAA. I still have not been given any information. This looks like a company either trying to avoid paying workmans compensation or a company trying to appease a overbearing, bullying Government official. I look forward to discussing this with you and turning over all documents.

## PLEASE NOTE:

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry.

Signature: (b) (6), (b) (7)(C)

Date: 7-29-17



**U.S. Customs and  
Border Protection**

**DEC 26 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your December 5, 2017 correspondence regarding retired horses given to Border Patrol agents. The U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is the primary uniformed federal law enforcement agency dedicated to securing U.S. borders between official ports of entry from illegal immigration, illicit smuggling, and terrorism.

USBP routinely retires service horses that are no longer fit for government service. The retirement process for Border Patrol horses is governed by law as codified in both 6 U.S.C. § 453 c – Disposition of equines unfit for service and 40 U.S.C. § 1308 - Disposition of unfit horses and mules as defined below:

- 40 U.S.C. § 1308, "Horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government." In this section, out to pasture refers to retirement of equine to Government or private care for the remainder of the animal's life.
- 6 U.S.C. § 453c, "None of the funds made available in this or any other Act for fiscal year 2012 and thereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment."

USBP horse patrol program utilizes a national standardized equine retirement process that is in compliance with these laws. The result is the vast majority of retiring horses are adopted by agents. On rare occasion, a retiring horse will not be adopted by an agent. When a horse is not adopted by an agent, the local Horse Patrol Coordinator makes every attempt to find a "financially sound and reputable humane organization" willing to adopt the horse. This section of the law is given the widest possible interpretation so every effort is made to find a home for

The Honorable Martha McSally  
Page 2

the retiring horse and to avoid euthanizing the horse upon retirement. Since the inception of these laws, no horses have been euthanized at the time of retirement.

Thank you for your inquiry. We appreciate your support as we continue to secure our Nation's borders and faithfully discharge the duties given to us by the American people.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C).

Sincerely,

(b) (6), (b) (7)(C)

~~for~~ John P. Ladowicz  
Assistant Commissioner  
Office of Congressional Affairs



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRWOMAN  
BORDER AND MARITIME SECURITY  
SUBCOMMITTEE



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510 Cannon House Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

COMMITTEE ON ARMED SERVICES

Congress of the United States

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

House of Representatives

(b) (6), (b) (7)(C)

Washington, DC 20515

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

## Privacy Act Consent Form

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.)

(b) (6), (b) (7)(C)

Address:

(b) (6), (b) (7)(C)

Zip:

(b) (6), (b) (7)(C)

Phone Number:

(b) (6), (b) (7)(C)

E-mail Address:

(b) (6), (b) (7)(C)

Federal Agency Involved:

(b) (6), (b) (7)(C)

Social Security Number:

(b) (6), (b) (7)(C)

Date and Place of Birth:

(b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: ☐ No: ☒ Who? \_\_\_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE:

(b) (6), (b) (7)(C)

Date: 11/21/17

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

(b) (6), (b) (7)(C)

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

(b) (6), (b) (7)(C)

Please provide a brief description of your problem (if additional space is needed please use a separate piece of paper):

Dear Congresswoman Martha McSally:

WHY IS BORDER PATROL ALLOWED TO  
GIVE RETIRED HORSES TO AGENTS  
ONLY?

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Sincerely

(b) (6), (b) (7)(C)

11/21/17

Date

MAY 01 2017

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your February 23, 2017, correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C) regarding his claim of wrongful termination from the CBP Tucson Border Patrol Sector.


Pursuant to federal regulations, an agency may require an individual who occupies a position which has medical standards or physical requirements to report for a medical evaluation whenever there is a direct question about an employee's continued capacity to meet the physical or medical requirements of a position [5 C.F.R. § 339.301(b)(3)]. An agency may order a psychiatric examination, including a psychological assessment [5 C.F.R. § 339.301(e)]. (b) (6), (b) (7)(C) position as a BPA requires that he is available for duty on a regular full-time basis and perform the full range of duties of the position. The position requires that BPA (b) (6), (b) (7)(C) carry a firearm, frequently work alone for long hours, use sound judgment in sensitive and potentially dangerous situations, and work well in times of stress. Incidents occurring in 2016, and for approximately five years prior, caused management to question BPA (b) (6), (b) (7)(C) continued capacity to perform the essential functions of his position.

This matter is currently at the proposal stage. CBP has contacted BPA (b) (6), (b) (7)(C) and informed him of how he can respond to that proposal. BPA (b) (6), (b) (7)(C) has been provided with copies of all the information upon which his proposed removal is based. CBP is working diligently to resolve this matter in a fair and equitable manner that is consistent with the law and Agency policy.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

(b) (6), (b) (7)(C)

 Kim M. Lowry  
Acting Assistant Commissioner  
Office of Congressional Affairs



February 23, 2017

The Honorable U.S. Representative Martha McSally  
4400 E. Broadway Ste 510  
Tucson, AZ. 85711

Dear Representative McSally,

I'm being wrongfully and unnecessarily forced out of the Border Patrol by Tucson sector headquarters' management. I, along with the border patrol union and EEO, are currently in a fight to save my (b) (6), (b) (7)(C) career. The Tucson sector has proposed a non-disciplinary removal for me from the border patrol and is forcing me to resign or be terminated. My case is very important because it will bring new awareness to a flawed system that currently brings the perception to its employees/ agents that by seeking help during times of crisis, our job will ultimately be at risk.

My name is (b) (6), (b) (7)(C). I am a (b) (6), (b) (7)(C) year veteran of the U.S. Border Patrol and I am currently assigned to the (b) (6), (b) (7)(C). Prior to the Border Patrol, I served in the United States Airforce and was stationed in (b) (6), (b) (7)(C). I proudly worked on and helped maintain the (b) (6), (b) (7)(C). I am a happily married man and a father (b) (6), (b) (7)(C) beautiful children. I am a man of deep faith. I serve my church and community by regularly participating in helping the homeless with food and clothing. I am also a (b) (6), (b) (7)(C) here in town. I love mentoring and inspiring the youth to become productive citizens in society. I love the outdoors, fishing and working out with my children. I love the Border Patrol and most importantly, I love my country.

In early (b) (6), (b) (7)(C) I was dealing with personal and grieving issues. At the advice of my Border Patrol watch commander supervisor (b) (6), (b) (7)(C) I reached out to the Employee Assistance Program (EAP), station peer support and the chaplaincy service. I was granted a Family Medical Leave of Absence (FMLA). During this short, approved time, I was able to get the help I needed and completely resolve the hardships I was going through. I did nothing wrong or negative to impact the integrity of my job. My job aptitude of being a Border Patrol agent was never in jeopardy. This was a completely voluntary approach I took to get the help and resources I needed based on the advice I was given. It was the right thing to do and it is/ was what the Border Patrol constantly asks its employees/ agents to do during difficult times.

Upon my return back to work towards the end of (b) (6), (b) (7)(C), Tucson sector headquarters' management started asking questions as to my reasoning for reaching out for help and started digging into my personal life. In addition, my gun was taken away and I was placed on restricted duty, where I am still working an in-office position. Any opportunities to enhance my career or agent provided work opportunities such as working holidays, night differential, overtime, special details, etc.... have all been taken away from me. My pay was also decreased by 25%, causing a financial hardship for my family and I. Three months later in (b) (6), (b) (7)(C) Tucson sector subjected me to a fit for duty examination. This was unnecessary as Tucson sector management was provided with medical documentation stating I was cleared to return to full duty with no restrictions. Peer support had advised me this medical clearance was all the (b) (6), (b) (7)(C) management required in order for me to return to full duty.

I soon filed a complaint with EEO and the Border patrol union got involved due to an unjust reasoning for the fit for duty examination. Per the attached (b) (6), (b) (7)(C) National Border Patrol Council memo sent to Division Chief, (b) (6), (b) (7)(C) the memo states there was no basis to require or undergo a physical and mental fitness – for – duty examination just because I was feeling grief due to the passing of (b) (6), (b) (7)(C)

The fit for duty examination consisted of a very short interview that lasted only approximately 30 minutes and a written, multiple choice psych evaluation. (b) (6), (b) (7)(C) concluded that I was unfit for duty based on his opinion that in the future, I could possibly go through another episode of grief and depression. This is totally hypothetical and has no grounds to end my career. Many individuals need help and as federal employees, we have the right to seek assistance. I am not being given an opportunity for a 2<sup>nd</sup> medical opinion to counter (b) (6), (b) (7)(C) findings. Because of this opinion, the Border Patrol has proposed to me a non-disciplinary removal type termination if I do not resign. In my fight to save my career, I have provided the Border Patrol with post medical reports from (b) (6), (b) (7)(C) (attached), who is my long-time doctor, refuting (b) (6), (b) (7)(C) findings along with the previously mentioned National Border Patrol Council's memo.

I am writing this letter to you Representative McSally because I believe in the system and I believe in you Ms. McSally. I have faith in you that you can help me get my job back and get me back to full duty. I need to be back on the field where this country and government need me to be. I respectfully ask you Ms. McSally to join in on helping me to get the Tucson sector to stop the removal and termination of my career based on the opinion of 1 doctor. I am asking to have my career made good and whole again by asking Tucson sector to reverse their proposal. I am also asking to be awarded any financial loss or opportunities lost during this unjust time in my career. I appreciate anything you can do to help my family and I move forward so we can put our lives back together. In addition, together we want to bring awareness of employees/ agents asking for help without fear of retaliation.

Sincerely,

(b) (6), (b) (7)(C)





**U.S. Customs and  
Border Protection**

**AUG 19 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Blvd., Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your July 1, 2015, correspondence on behalf of your constituent, (b) (6), (b) (7)(C), regarding difficulties she experienced by U.S. Customs and Border Protection (CBP) Border Patrol agents assigned to the (b) (7)(E), on May 7, 2015. (b) (6), (b) (7)(C) claims she experienced aggressive behavior, mistreatment, and a disregard for her property, during a roving patrol stop on (b) (7)(E). The encounter subsequently led to (b) (6), (b) (7)(C) arrest.

CBP and the Department of Homeland Security has been mandated to secure our Nation's borders between the designated ports of entry. Our agency's strategic plan is designed to greatly increase the probability that terrorists and terrorist weapons, as well as smugglers of humans, narcotics, and other contraband, will be deterred from entering the United States or detected and apprehended after entry.

During a roving patrol stop conducted by U.S. Border Patrol agents, (b) (6), (b) (7)(C) and four other people were arrested under suspicion of collaborating in an attempt to smuggle 241 pounds of marijuana along (b) (7)(E). Three vehicles were seized. All of the vehicles were used in the smuggling attempt, one belonging to (b) (6), (b) (7)(C). All five subjects involved were arrested and charged under Title 21 of the United States Code, Section 841, *Manufacturing, Distributing or Disbursing of Any Controlled Substance*. The U.S. Assistant Attorney elected not to prosecute (b) (6), (b) (7)(C), and she was released. (b) (6), (b) (7)(C) was provided with instructions and documentation on the process of retrieving her personal property and vehicle from the Asset Forfeiture Office.

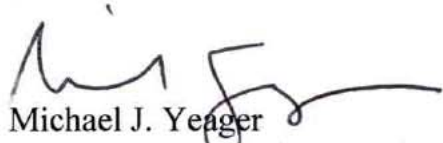
CBP regularly apprehends illegal aliens and smugglers from all nations and ethnicities. There is no one prototypical subject U.S. Border Patrol agents look to the exclusion of others. CBP strives to maintain the utmost level of professionalism during every encounter with the traveling public. U.S. Border Patrol agents are required to conduct a thorough examination of every person and vehicle, while maintaining the safety of all involved during a roving patrol stop.



The Honorable Martha McSally  
Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Yeager", with a long horizontal flourish extending to the right.

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name:

(b) (6), (b) (7)(C)

Address:

(b) (6), (b) (7)(C)

City, State:

(b) (6), (b) (7)(C)

Zip:

(b) (6), (b) (7)(C)

Phone Number:

(b) (6), (b) (7)(C)

E-mail Address:

(b) (6), (b) (7)(C)

Federal Agency Involved:

USDP

Social Security Number

(b) (6), (b) (7)(C)

Date and Place of Birth:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: ☒ No: ☐

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_

Military Rank: \_\_\_\_\_

Dates of service: \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE:

(b) (6), (b) (7)(C)

Date:

6-3-2015

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



**U.S. Customs and  
Border Protection**

**JAN 17 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This letter is in response to your December 6, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding his application for employment as a contractor performing work on behalf of U.S. Customs and Border Protection (CBP).

All applicants seeking employment with CBP as a federal or contracted employee are subject to an extensive pre-employment screening process to determine their suitability for employment. This process may include the submission of a detailed background investigation questionnaire, preliminary law enforcement database checks, and a background investigation conducted by CBP's Office of Professional Responsibility.

The National Agency Check, a required component of the background investigation, was received from the Office of Personnel Management (OPM) on December 25, 2016. During the initial review of all information available, potentially derogatory information was identified which raised concerns as to (b) (6), (b) (7)(C) suitability for employment with CBP. (b) (6), (b) (7)(C) will be contacted regarding this information and provided an opportunity to dispute, clarify, explain, or provide information and/or documents which he believes may mitigate the identified concern. A final adjudicative determination as to his suitability for employment with CBP as a contractor will be made at that time.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Tuesday, December 13, 2016 8:05 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 12-06-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) DHS.Privacy release.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi (b) (6), (b) (7)(C)

Could you please assign this to OPR for OCA signature and reply back with folder number.

Thank you,  
(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Monday, December 12, 2016 3:23 PM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 12-06-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax)

(b) (6), (b) (7)(C)

---

**From:** Ash, Alesia (b) (6)  
**Sent:** Tuesday, December 6, 2016 1:28 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** New Congressional Inquiry

**RE:** Pending background investigation

Dear Congressional Liaison,

Our constituent, (b) (6), (b) (7)(C) has requested information on the status and process of a pending background investigation. His employing agency is CBP, specifically the (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) Arizona.

Please note that our office has sent a corresponding inquiry to OPM as we have been informed OPM has a pending National Agency Check (NAC). OPM also directed our office to submit an inquiry to CBP to obtain information on its process and status to provide comprehensive information to our constituent.

Attached please find a signed privacy release form and written statement for further information on the specific circumstances of this case. Any information or assistance you can provide (b) (6), (b) (7)(C) would be greatly appreciated.

Sincerely,



Alesia Ash  
Community Outreach/Constituent Services  
Representative

U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal, Suite B-160  
Office Phone: 520-459-3115

(b) (6)



[Sign up for our e-newsletter](#)

MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) **(b) (6), (b) (7)(C)**

Address **(b) (6), (b) (7)(C)** City, State: **(b) (6), (b) (7)(C)** Zip: **(b) (6), (b) (7)(C)**

Phone Number **(b) (6), (b) (7)(C)** E-mail Address: **(b) (6), (b) (7)(C)**

Federal Agency Involved: **DHS** Social Security Number: **(b) (6), (b) (7)(C)**

Date and Place of Birth: **(b) (6), (b) (7)(C)**

Have you contacted another congressional office? Yes: ☐ No ☒ Who? \_\_\_\_\_

(For USCIS) Immigration Case Number / A#: **N/A**

(For IRS) Tax Return Year (s) in Question: **N/A**

(For OPM) Civil Service Claim Number: **N/A**

(For VA/Military) Veterans Affairs Claim Number: **N/A**

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE: **(b) (6), (b) (7)(C)** Date: **10-17-16**

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

(b) (6), (b) (7)(C) submitted his eQIP through his employer, (b) (6), (b) (7)(C)

for working at the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) AZ, on March 15, 2016.

Fingerprint cards were submitted on 3/22/16.

On 06/14/2016, the provisional clear for this individual was denied by the  
Office of Professional Responsibility (OPR) as of the date identified.

No information regarding his clearance has been received since that date.

I would like to receive status update of case.

Sincerely,

(b) (6), (b) (7)(C)

Print Name

10-17-16

Date



**U.S. Customs and  
Border Protection**

**NOV 28 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E. Broadway Boulevard, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your September 26, 2016, correspondence on behalf of your constituent, former (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) alleged the U.S. Customs and Border Protection (CBP), Tucson Sector, treated him unfairly when he applied for disability after a hearing loss caused by an off-duty vehicle accident.

Suffering an injury can be very traumatic for an employee and it is understandable that (b) (6), (b) (7)(C) expressed frustration and discontent. Unfortunately, the injury sustained by (b) (6), (b) (7)(C) impaired his hearing and did not allow him to safely and efficiently perform all functions of his position. It would be unacceptable for Tucson Sector to knowingly place the lives of Border Patrol agents in the field at risk by employing a (b) (6), (b) (7)(C) who may not be able to safely and efficiently perform all functions described in the (b) (6), (b) (7)(C) position description, including monitoring radio transmissions. On January 26, 2015, (b) (6), (b) (7)(C) received a notice of proposed removal due to a non-disciplinary charge of inability to perform the essential functions of his position.

(b) (6), (b) (7)(C) was offered a settlement agreement that afforded him 15 days from the last date of signature, as allowed by CBP's Leave Handbook, to collect medical concurrence from his medical provider that hearing aids would allow him to effectively resume his duties as a (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) accepted and signed that agreement, with his attorney present, on August 24, 2015. The last date of signature was August 27, 2015. (b) (6), (b) (7)(C) voluntarily and abruptly retired 14 days before he was required to submit the medical information from his medical provider.

There is no evidence to substantiate that Tucson Sector management forced (b) (6), (b) (7)(C) to retire because they were unable to verify his retirement until on or about (b) (6), (b) (7)(C). That is when management received official notice from the Office of Personnel Management and CBP's Office of Human Resources Management stating that (b) (6), (b) (7)(C) had submitted his retirement packet and that his retirement was effective as of (b) (6), (b) (7)(C).

The Honorable Martha McSally

Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

(b) (6), (b) (7)(C)

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C) on behalf of OCAINQUIRY  
**Sent:** Thursday, October 13, 2016 7:02 AM  
**To:** CBPEXSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: 10-12-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C).DHS.CBP.PAC.9.26.16.pdf

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection  
(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax)  
(b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Wednesday, October 12, 2016 5:38 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** Inquiry (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) contacted the office of Congresswoman Martha McSally regarding his treatment after he applied for disability. Our office is aware that this is a personnel matter, therefore we are requesting that you respond to the constituent directly. Your assistance is greatly appreciated.

Respectfully,

Rosa Montañio, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



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MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: US Border Patrol Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes: ☐ No: ☒ Who? \_\_\_\_\_  
(For USCIS) Immigration Case Number / A#: \_\_\_\_\_  
(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_  
(For OPM) Civil Service Claim Number: \_\_\_\_\_  
(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_  
Branch of service: Army Military Rank: Sp 4 Dates of service: (b) (6), (b) (7)(C)  
SIGNATURE: (b) (6), (b) (7)(C) Date: 9-26-16

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

**Please return completed form to:**

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

**Or**

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

I had been employed with the federal government for just over (b) (6), (b) (7)(C) yrs. I had served with Border Patrol Tucson sector for a good portion of that time.

My complaint is I was treated unfairly after I had applied for disability due to a hearing impediment. I had filed for an EEO Disability + merit board complaint and have felt that the complaint was treated in a biased manner by the court.

Attached is a copy of what I had reported to the Agency and why I felt the Agency's management had no compassion toward my disability.

\* please see attached

Sincerely,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Print Name

9-26-16

Date



# MSPB COMPLAINT

## INTRODUCTION

On (b) (6), (b) (7)(C) I was involved in an accident that left me incapacitated for several weeks at which point I was not physically and mentally able to go to work and that led to a series of events that made me force to retire under "DURESS". At approximately the same time I was also provided with an agreement that would allow me to go back to work once I had become physically certified to work since the Agency had provided me with a reasonable accommodation process due to my hearing disability.

## SERIES OF EVENTS

### ISSUE WITH CONTRACT/evidence:

- I was provided with a deadline that would not be extended and or was not achievable. According to *Attachment 1*, Labor Management (b) (6), (b) (7)(C) had sent an email on August 12, 2015 that the execution of the agreement would not be extended. According to *Attachment 2* (b) (6), (b) (7)(C) indicated that there were no stipulations that would not be given to grant an extension, which was contrary to her previous statement.
- My Union Attorney said that I needed to sign the reasonable accommodation contract soon or I would be terminated. This request was made while I was still out of work and recuperating from my injury.
- The language of the agreement was largely of termination language instead of accommodating me as a disabled employee as seen on *Attachment 3*.

### DISABILITY/evidence events:

- According to *Attachment 4*, I was placed on Absent Without Leave (AWOL) unexpectedly after two weeks or two weeks after my injury (August 3, 2015). The Second line Supervisor who has made the decision for me to be placed on AWOL did not accept me communicating with a First Line and Third Line Supervisor the day I was suppose to report to work. Additionally, he did not accept that I did in fact called in on the first day requesting to speak to the first line supervisor who was not available.
- According to *Attachment 5*, Division Chief (b) (6), (b) (7)(C) was unaware that I was disabled due to the accident; Although Chief (b) (6), (b) (7)(C) was not aware of my condition, he remained steadfast to have me disciplined without regards to allowing me the benefit of reasonable accommodation.

- I invoked FMLA after I discovered the Agency was not going to accommodate my leave requests and for which he placed in on AWOL, Advance leave or mixed status for the remainder of my time until I retired. According to *Attachment 6*, (b) (6), (b) (7)(C) said he was cooperating with my FMLA request when in fact on *Attached 8* his first line Supervisor said I was denied (See *Attachment 7*).
- Mission Support Specialist (b) (6), (b) (7)(C) commented about leave accepted policies and who also indicated that on August 3, 2015 I contacted her in order for me to advise my 1<sup>st</sup> line supervisor of my absents and that this was an accepted method to call in (See *attachment 8 and 9*.) Additionally, according to *Attachment 10*, indicated the change in an accepted call in policy prior to the incident and changed after the incident.
- According to *Attachment 11*, verbal accepted policies were changed suspiciously after my incident plus the management chain of command was changed abruptly.

#### **FORCE RETIREMENT/DISABILITY events:**

- My decision to retire pre-maturely was due to the contradiction of policies contradicted contract extension, termination language on the contract, leave granted/disapproved, upper management's decision to FMLA and the lack of cooperation to affective and proper guidance for me.
- As stated above on one hand the Agency said that they were fully cooperating with the contract to assist my transition to get me qualified in order for me to return to duty and become fully recuperated and qualified for duty. On the other hand, I was subjected to contradictions where (b) (6), (b) (7)(C) testified that she was willing to extend but on an email sent advising that there would be no extensions.
- Regarding my disability after my accident on (b) (6), (b) (7)(C) I was left incapacitated both physically and mentally, in addition to an impending contract with a non-extended fifteen-day deadline threat.
- The charge of AWOL was a serious matter and after almost two weeks while working with the first line supervisor, without advance notice I was advised that I would be disciplined. Unbeknownst of the impending AWOL action against me and once I received email notification, I invoked my right for FMLA. Although (b) (6), (b) (7)(C) indicated that I was lacking the doctor's documents, the fact of the matter was that his first line supervisor denied my request immediately because he said I wanted leave due to family visitation matters. It is also a fact that although (b) (6), (b) (7)(C) said his intent of his first line supervisor was to be helpful, that simply was not the case.
- Regarding my leave request and denial, I had submitted my request for leave prior to the accident for family visitation, but that was curtailed unexpectedly



due to my injury. Since I was incapacitated and unable to go to work I do not believe that I was properly taken care of both administratively and mentally; instead I was confronted by a hard right hand of policy infractions and confusion.

- Due to the insurmountable evidence I believed that the purpose of the Agency was to charge me with AWOL, and not to extend the contact for purposes of getting rid of me. Included that a seasoned Mission Support Specialist (MSS) testified that policies were changed. The policies were changed simply to adhere to the AWOL charge against me ignoring the fact that advising other co-employees was accepted if the first line was not available. Additionally, the MSS said that the chain of command was changed after the incident, which is further suspicion of contradictions of policy issues that were discovered.

#### **IN CLOSING:**

Due to my injury, mental/emotional state and physical incapacitation, the above events were overwhelming and confusing. This also led me to an uncontrollable emotional situation for me to believe at the time that the Agency was prepared to terminate or remove me from Service. I was left with no choice but to retire under duress where I feared the risk of losing my medical benefits.

I did not receive the support for what I had hoped for; an easy transition for which all I received was from the Agency was to look for what policies that I did not met. Furthermore, understanding that I was communicating via email where I was physically and mentally incapacitated did not make to process any easier. Instead (b) (6), (b) (7)(C) had campaigned against me by asking Division Chief (b) (6), (b) (7)(C) to have me reprimanded with an AWOL charge. Additionally, Chief (b) (6), (b) (7)(C) admittedly testify that he was not aware of my accident and injury, but still was interested in taking action against me without reserve.

The Agency failed to accommodate me and ignored the fact that I was injured and unable to work due to my injury and emotional state after the accident. The Agency failed to administer my requests without the fact of recognizing their contradictions and the extreme lack of compassion.

My complaint is that the Agency had forcing me to retire under "DURESS". The preponderance of evidence that I had outlined clearly illustrates the contradiction and the doubt that they were not candied in the desire to help me through this taxing time period, which eventually forced me to make the undesired decision to retire.



# ATTACHMENT 1

Attachment 1

From: (b) (6), (b) (7)(C)  
To: (b) (6)  
Subject: (b) (6), (b) (7)(C) Settlement  
Date: Wednesday, August 12, 2015 6:27:00 PM  
Attachments: Agreement.pdf  
Importance: High

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Good Afternoon, (b) (6), (b) (7)(C)

Please see attached the Agency's offer of settlement. To accept the offer, please return the agreement with your signature and (b) (6), (b) (7)(C) signature to me no later than 5:00 p.m. local time on August 21, 2015. Failure to return the agreement by COB August 21, 2015, will be considered a rejection of the Agency's offer and the Agency may proceed with removal of (b) (6), (b) (7)(C) in accordance with the proposal letter. Please note that the deadline for execution of the agreement will not be extended, so if you have any questions or concerns please contact me as soon as possible.

Thank You,

(b) (6), (b) (7)(C)  
Labor and Employee Relations Specialist  
Ph: (b) (6), (b) (7)(C)  
Bb: [REDACTED]  
Fax: [REDACTED]

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## **ATTACHMENT 2**



request and granted a ten day extension. On March 4, 2015, Attorney (b) (6), (b) (7)(C) submitted an additional request for information as well as a second request for accommodation. On March 17, 2015, the Agency submitted a response to Attorney (b) (6), (b) (7)(C) request for information as well as a response to the request for accommodations. An oral reply was scheduled and held on March 23, 2015. A written reply was also submitted on March 23, 2015. On August 21, 2015, a settlement agreement was sent to Attorney (b) (6), (b) (7)(C). On August 24, 2015, (b) (6), (b) (7)(C) signed and returned the agreement.

10. The Agreement indicates that on January 26, 2015 Complainant received a notice of proposed removal due to the non-disciplinary charge of "inability to perform the essential functions of (his) position." In chronological order, describe the factual events that led up to the notice of proposed removal.

RESPONSE: In January, 2015, after the reasonable accommodation process was exhausted, the case file was received by the LER office. A letter proposing (b) (6), (b) (7)(C) removal was generated on January 23, 2015 and sent to the employee for issuance on January 26, 2015.

11. Complainant states he was given a 15-day deadline for the Agreement, and the Union attorney advised him to schedule a doctor's appointment. However, he discusses he was unable to schedule a doctor's appointment within the 15-day timeframe, and states his belief that the deadline for the Agreement was unachievable and sensed that he would not be accommodated. Who was responsible for setting the 15-day deadline?

RESPONSE: Per the CBP Leave Handbook, 15 days is the general timeframe given to all employees when medical documentation is requested. This time frame is consistent with Tucson Sector Management requests for medical documentation.

12. Complainant states that you sent his Union attorney an email on August 12, 2015, stating to return the agreement with signatures no later than August 21, 2015 and that the deadline for execution of the Agreement would not be extended. He believes the email was retaliatory because, in his belief, the Agency intentionally made the Agreement unachievable without reservation of doctor availability. Was the deadline intentionally made knowing that it would be unachievable for Complainant? Explain how the deadline was intertwined with Complainant and his doctor's availability.

RESPONSE: No. As noted within the agreement it was requested that the employee submit medical documentation within 15 days from the effective date of the agreement. The employee was not required to submit medical documentation prior to execution of the agreement. Additionally, there was no stipulation within the agreement that notated that management would not provide an extension to the employee's submission of medical documentation.

13. If not addressed above, did you ever notify Complainant or his attorney that the deadline for the Agreement would not be extended? If so, explain why.

Discrimination Complaint of (b) (6), (b) (7)(C) v. Jeh Johnson  
Secretary, Department of Homeland Security  
(b) (6), (b) (7)(C)

Initials (b) (6), (b) (7)(C)

# **ATTACHMENT 3**

# SETTLEMENT AGREEMENT

## I. Introduction

This constitutes a Settlement Agreement (Agreement) offered to (b) (6), (b) (7)(C) (Employee) in lieu of the decision to remove him from his position as a (b) (6), (b) (7)(C) and the Federal service due to the non-disciplinary charge of "INABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF YOUR POSITION" which is outlined in the proposal notice that Employee received on January 26, 2015. After written and oral replies on March 25, 2015, the Agency has sustained the charge. In lieu of implementation of the removal, the Parties agree to settle all outstanding matters concerning Employee as outlined below.

## II. Parties

The parties to the Agreement are the Employee, the National Border Patrol Council (Union), and U.S. Customs and Border Protection (CBP) (Agency).

## III. Terms and Conditions

### A. The Agency agrees to the following:

1. In lieu of Employee's immediate removal, this Agreement holds the implementation of the Employee's removal in abeyance for two (2) years pending the Employee's compliance with the terms of this agreement. If Employee fully complies as described below, the January 26, 2015 removal action will be cancelled after two years of the effective date of this agreement.
2. The Agency will permit Employee to return to duty as a (b) (6), (b) (7)(C) upon concurrence by the CBP, Benefits and Medical Worklife Division (BMW) in consultation with Tucson Sector Management. The Agency agrees to maintain Employee in the temporary position that he currently occupies, or other administrative position at the Agency's sole discretion, until the Agency determination.
3. The Agency will not impose any other actions related to the January 26, 2015 proposed removal as long as the Employee complies with, and does not otherwise violate the terms of the Agreement. For example, if the Employee does not provide requested data by the specified date, if the Employee's physician or the Agency physician's medical opinions do not support that Employee can perform the functions or conditions of his position with a hearing aid(s), or the Agency is otherwise informed of a safety risk concerning Employee's hearing, this removal action will be immediately implemented by the Agency.
4. The Agency, to include Employee's direct and second-line supervisors, is not precluded by this agreement from discussing with Employee, documenting, or otherwise monitoring Employee's ability to hear, respond to radio traffic, or otherwise satisfactorily and safely perform the (b) (6), (b) (7)(C) job function if and when (b) (6), (b) (7)(C).

Agency Rep. (b) (6), (b) (7)(C)

Employee (b) (6), (b) (7)(C)

Union Rep. (b) (6), (b) (7)(C)



Agreement, "any forum" includes, but is not limited to, the Merit Systems Protection Board (MSPB), the Negotiated Grievance and/or Arbitration procedure, the Equal Employment Opportunity Commission (EEOC), the Federal Labor Relations Authority (FLRA), and any Federal or State court, or any other investigative or administrative entity.

C. The Union agrees to the following:

1. The Union will not pursue any further action, grievance, complaint, or appeal on behalf of the Employee or on its own behalf in any forum with regard to any claims or issues arising from or relating in any way to the subject matter or underlying issues of this agreement, to include any appeal if the removal of Employee is effected pursuant to the terms of, or the breach or non-compliance with this agreement except under provision VII of this agreement.

IV. Non-Disciplinary

This Agreement and the Employee's proposed removal are non-disciplinary in nature. This Agreement and its terms do not pertain to any disciplinary action based on the Employee's conduct. This agreement in no way limits the Agency from implementing discipline on Employee for conduct or performance reasons outside the subject matter of this case in accordance with the collective bargaining agreement, law and regulation.

Relationship to Workers Compensation

The Parties agree that this agreement is not intended to abridge, modify, or replace any rights or benefits to which Employee is entitled under the Federal Employees Compensation Act (FECA), 5 U.S.C. 8101 et seq, including, but not limited to funding for the Employee's hearing aid(s).

V. Non-Precedent

The Agreement is non-precedential and may not be cited for any reason, including comparison, in any forum. It also may not be used as a basis to seek or justify similar terms in any subsequent case.

VI. Confidentiality

The terms of the Agreement shall be kept confidential by the parties and will not be communicated to others, except as necessary to enforce the terms of the Agreement or to address claims of non-compliance with, or violation of, the terms of the Agreement, in accordance with applicable law and regulation.

VII. Violation of Agreement

All parties retain the right to appeal violations of the terms of the Agreement.

Agency Rep. (b) (6), (b) (7)(C) Employee (b) (6), (b) (7)(C) Union Rep. (b) (6), (b) (7)(C)

5. The Employee agrees that in the event that he cannot or does not comply with all terms of this agreement, that he personally feels that he is an officer safety risk due to his hearing, or that he is otherwise unable to perform the duties of the [REDACTED] position with regard to his hearing, his removal from the Agency may be effected without further process at the Agency's sole discretion.
6. The Employee agrees that should the documentation submitted by the employee's physician and/or the BMW find that the employee cannot safely and effectively perform the essential functions of the employee's position with the use of hearing aid(s), at the Agency's sole discretion the removal action may immediately take effect and the Employee will be removed from his position and the Federal service without further process.
7. The Employee agrees that if the Employee resumes his position as a [REDACTED] pursuant to the terms of this agreement, and at any time Employee elects to discontinue the use of hearing aids without his personal physician's approval and (if requested by the Agency) BMW concurrence, the removal action may be processed at the Agency's sole discretion and the Employee will immediately be removed from his position and the Federal service without further process.
8. The Employee has fully discussed the terms of the Agreement with the Union, to include the Employee's representative.
9. The Employee acknowledges full understanding of the terms of the Agreement and enters into them knowingly, intelligently, and voluntarily.
10. The Employee agrees that by signing this Agreement, he will also cancel and affirmatively withdraw with prejudice any and all complaints, formal or informal, to include EEO complaints, and specifically but not limited to EEO case number [REDACTED] (b) (6), (b) (7)(C) or other appeals, grievances, or other legal and/or administrative actions, if any, already filed and/or pending against the Agency or any Agency employee up to and including the effective date of this agreement. Employee will request in writing that the Administrative Judge dismiss [REDACTED] (b) (6), (b) (7)(C) with prejudice and serve the Agency with a copy of the request.
11. The Employee agrees not to file any new complaints in any forum, formal or informal, to include EEO complaints, or other appeals, grievances, or other legal and/or administrative actions against the Agency or any Agency employee with regard to the subject matter of this case.
12. The Employee agrees to not litigate and waives any and all appeal rights that he may have to challenge the Agency's removal of Employee, if the removal is effected pursuant to this agreement or breach or non-compliance with this agreement, in any forum. Employee further agrees not to litigate, challenge or appeal in any forum any claims or issues arising from or relating to this matter. For purposes of the [REDACTED] (b) (6), (b) (7)(C)

Agency Rep. [REDACTED]

Employee [REDACTED]

Union Rep. [REDACTED]

# ATTACHMENT 4



ATT 4

(b) (6), (b) (7)(C)



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AT 4

(b) (6), (b) (7)(C)



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# **ATTACHMENT 5**



(b) (6), (b) (7)(C)



# **ATTACHMENT 6**

X 6

four hours, was advanced to (b) (6), (b) (7)(C) which was in excess of sixty hours of leave. The only days (b) (6), (b) (7)(C) was charged AWOI were days where he did not contact his supervisor and request leave. Every day in which he followed the unscheduled leave request procedures leave was advanced to him.

(b) (6), (b) (7)(C) requested LWOP on two occasions, immediately after he learned he was charged AWOI and in the days preceding the exhaustion of his accrued annual leave.

On August 19, 2015 (b) (6), (b) (7)(C) invoked FMLA for all days in the prior pay period in which he was charged AWOI, August 3 and 4. The FMLA paperwork was returned to (b) (6), (b) (7)(C) pre-completed by (b) (6), (b) (7)(C) with only the medical certification needed. The FMLA paperwork was never returned by (b) (6), (b) (7)(C).

On August 23, 2015 (b) (6), (b) (7)(C) requested LWOP for August 31 to September 4, 2015. (b) (6), (b) (7)(C) provided no medical documentation or medical reason for the request. Given that there was no documentation provided to substantiate an ongoing medical condition the request for LWOP was denied. See attached documentation for the denial of LWOP. (b) (6), (b) (7)(C) had no accrued annual leave remaining, as he expended all remaining leave in the prior pay period. A leave use audit in the following days revealed that (b) (6), (b) (7)(C) had been erroneously advanced twenty-three hours of annual leave, which he did not have.

- Are you aware of the accident Complainant was involved in? If aware, how did you become aware (i.e., Complainant called you, informed by another manager, etc.)?

RESPONSE: I became aware of the accident after overhearing a conversation outside my office.

- Were efforts made to accommodate Complainant if accommodations were needed during that time? If efforts were made to accommodate him, what accommodations were provided and when?

RESPONSE: The following efforts were made to accommodate (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C) was advanced several weeks of advanced leave during his rehabilitation
- Multiple calls and communications were made to (b) (6), (b) (7)(C) to remind him of his reporting requirements and to keep him informed of what was required of him to provide timely processing of his requests.
- A GEICO wage verification was completed on behalf of (b) (6), (b) (7)(C) and returned to him.
- FMLA paperwork was completed and emailed to (b) (6), (b) (7)(C) for his convenience and assistance.

Distribution Complaint of (b) (6), (b) (7)(C) v. Jeth Johnson  
Secretary, Department of Homeland Security

(b) (6), (b) (7)(C)

Initials (b) (6), (b) (7)(C)



# **ATTACHMENT 7**

**RESPONSE:** To the best of my knowledge, the complainant satisfied the requirements for the (b) (6), (b) (7)(C) position. Though he had not worked in that capacity during my tenure, I believe that the complainant still had a clear background and was eligible for all accesses he needed to perform his duties.

13. Complainant claims that he was forced to retire because the agency refused to accommodate him. In support, he states that he was in an accident on (b) (6), (b) (7)(C) that left him incapacitated for several weeks - suffering a bruised rib, bruised kidney, sleep issues, and anxiety. He goes on to claim that there were no efforts to provide him a reasonable accommodation for his extreme pain and inability to do his job, and discusses his concerns that he was charged with Absent without Leave (AWOL) two-weeks after he states he called off due to his accident and his request for Leave without Pay (LWOP) was denied. Respond to Complainant's statement.

- Are you aware of the accident Complainant was involved in? If aware, how did you become aware (i.e., Complainant called you, informed by another manager, etc.)?

**RESPONSE:** I was aware that the complainant was involved in an accident. I believe I was originally notified by a (b) (6), (b) (7)(C) colleague (b) (6), (b) (7)(C) I was appointed as his supervisor and performed a telephonic check on his welfare.

- Were efforts made to accommodate Complainant if accommodations were needed during that time? If efforts were made to accommodate him, what accommodations were provided and when?

**RESPONSE:** The complainant exhausted his Accrued Sick Leave and requested Advanced Sick Leave (ASL) from 8/3/2015 to 8/11/2015. He was granted 36 hours of ASL to cover a portion of that time. His medical documentation expired on 8/12/2015 and I contacted him to request updated medical documentation. He submitted updated medical documentation and was granted an additional 15 hours of ASL. He was additionally granted 80 hours of Accrued Annual leave. After exhausting the ASL granted him and all available leave the complainant had accrued and pending, he requested Leave without Pay (LWOP) status in order to spend time with family. His request for this non-injury related LWOP was denied.

I would like to note that the complainant, to the best of my knowledge, asked for the following accommodations related to his accident:

- Accrued Sick and Annual Leave
- Advanced Sick Leave
- Family Medical Leave Act (FMLA) documentation

Discrimination Complaint of (b) (6), (b) (7)(C) v. Jah Johnson  
Secretary, Department of Homeland Security

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
Initials

# **ATTACHMENT 8**



attempt to reach a supervisor and notify you of his car accident. Did Complainant call you on or around (b) (6), (b) (7)(C) If so, describe your conversation with Complainant.

**RESPONSE:**

I remember receiving a text on (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) saying he had been in a car accident over the weekend. He asked me in his text, if SBPA (b) (6), (b) (7)(C) was around so he could talk to him. I responded no, I had not seen him yet that morning. I do not recall talking to (b) (6), (b) (7)(C) over the phone on (b) (6), (b) (7)(C) but rather on (b) (6), (b) (7)(C) He called me that day to ask if I had received an email with a doctor's note and a wage verification form for his insurance.

8. If in response to the above, you indicate that Complainant did call you to notify you of his car accident and/or to request to speak with someone in his chain of command, why didn't you mention that in your memorandum dated (b) (6), (b) (7)(C)

**RESPONSE:**

As I mentioned above, I do not recall receiving a phone call from (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) until (b) (6), (b) (7)(C) and I do not recall him asking me to speak with a Supervisor at that time but only asked if I received the insurance form he emailed me.

9. If not already addressed, was a supervisor available and/or on duty when Complainant called and/or texted you on (b) (6), (b) (7)(C) If so, identify the supervisor who was on duty, and, to the extent you are aware, explain why Complainant would have called/texted you instead of calling a supervisor. For instance, when employees need to call to reach a supervisor, do they call the supervisor directly or do they call a main number that you typically answer on behalf of the supervisor, etc.?

**RESPONSE:**

Our building is two-story and I work on the second floor. Most Supervisors work on the first floor. That morning when I received (b) (6), (b) (7)(C) text, I had not seen any Supervisor to know who to direct him to. We all have separate phone lines including Supervisors, therefore, anyone can call anyone you wish to talk to. During (b) (6), (b) (7)(C) detail to (b) (6), (b) (7)(C) he worked with the Admin Team. So, the process at that time was as long as we got a hold of anyone in the Admin Office who could relay the message to the Supervisor of your absence it was ok.

Discrimination Complaint of (b) (6), (b) (7)(C), Jeh Johnson  
Secretary, Department of Homeland Security  
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
Initial (b) (6), (b) (7)(C)

# **ATTACHMENT 9**

attempt to reach a supervisor and notify you of his car accident. Did Complainant call you on or around (b) (6), (b) (7)(C) If so, describe your conversation with Complainant.

**RESPONSE:**

I remember receiving a text on (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) saying he had been in a car accident over the weekend. He asked me in his text, if SBPA (b) (6), (b) (7)(C) was around so he could talk to him. I responded no, I had not seen him yet that morning. I do not recall talking to (b) (6), (b) (7)(C) over the phone on (b) (6), (b) (7)(C) but rather on (b) (6), (b) (7)(C) He called me that day to ask if I had received an email with a doctor's note and a wage verification form for his insurance.

8. If in response to the above, you indicate that Complainant did call you to notify you of his car accident and/or to request to speak with someone in his chain of command, why didn't you mention that in your memorandum dated (b) (6), (b) (7)(C)

**RESPONSE:**

As I mentioned above, I do not recall receiving a phone call from (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) until (b) (6), (b) (7)(C) and I do not recall him asking me to speak with a Supervisor at that time but only asked if I received the insurance form he emailed me.

9. If not already addressed, was a supervisor available and/or on duty when Complainant called and/or texted you on (b) (6), (b) (7)(C) If so, identify the supervisor who was on duty, and, to the extent you are aware, explain why Complainant would have called/texted you instead of calling a supervisor. For instance, when employees need to call to reach a supervisor, do they call the supervisor directly or do they call a main number that you typically answer on behalf of the supervisor, etc.?

**RESPONSE:**

Our building is two-story and I work on the second floor. Most Supervisors work on the first floor. That morning when I received (b) (6), (b) (7)(C) ext, I had not seen any Supervisor to know who to direct him to. We all have separate phone lines including Supervisors, therefore, anyone can call anyone you wish to talk to. During (b) (6), (b) (7)(C) detail to (b) (6), (b) (7)(C) he worked with the Admin Team. So, the process at that time was as long as we got a hold of anyone in the Admin Office who could relay the message to the Supervisor of your absence it was ok.

Discrimination Complaint of (b) (6), (b) (7)(C), Jeh Johnson  
Secretary, Department of Homeland Security  
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Initials



## **ATTACHMENT 10**

10. Is it customary for employees to text or call you to call-off work and/or request emergency leave when a supervisor is unavailable? If so, explain the procedure that is typically adhered to when employees text or call you to request to call-off work and/or request emergency leave.

**RESPONSE:**

Since that incident, the Admin Team is now required to call a Supervisor to report an absence instead of a co-worker.

**AFFIRMATION**

I declare under penalty of perjury that the foregoing testimony is true and correct to the best of my knowledge.

Executed on 2/24/16 at (b) (6), (b) (7)(C) AZ  
(Date) (City/State)

Signature: (b) (6), (b) (7)(C)

Name (please print): (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

Discrimination Complaint of (b) (6), (b) (7)(C), Jeh Johnson  
Secretary, Department of Homeland Security  
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
Initial (b) (6), (b) (7)(C)

Page 4 of 4

000252



**U.S. Customs and  
Border Protection**

**DEC 13 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your November 15, 2016, correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C) regarding his request to return to full duty following the resolution of a citation for disorderly conduct.

CBP takes allegations of employee misconduct very seriously and has instituted policies pertaining to abuses of authority. Complaints of unprofessional conduct are recorded, investigated, and appropriate action is taken against CBP agents and officers who are found to have violated policy. However, the Privacy Act prohibits any disclosure of discipline towards CBP personnel.

After a thorough CBP investigation, Agent (b) (6), (b) (7)(C) enforcement authority was restored and he was returned to full duty as of November 7, 2016.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Tuesday, November 15, 2016 10:43 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 11-14-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) DHS.CBP.PAC.10.31.16.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi (b) (6), (b) (7)(C)

Please assign to USBP to draft a response for OCA signature.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Tuesday, November 15, 2016 10:02 AM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 11-14-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) office (b) (6), (b) (7)(C) (Blackberry) (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Monday, November 14, 2016 4:39 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) a constituent of Congresswoman McSally, contacted our office in regards to a citation he received and was subsequently placed on administrative leave. (b) (6), (b) (7)(C) states that the citation was dismissed and has been waiting to be returned to duty since July 26. Attached is his privacy release form with his description of the circumstances. Any assistance you can provide would be greatly appreciated.

Respectfully,



Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



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MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE:  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: USBP Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes:      No X Who?       
(For USCIS) Immigration Case Number / A#: N/A  
(For IRS) Tax Return Year (s) in Question: N/A  
(For OPM) Civil Service Claim Number:       
(For VA/Military) Veterans Affairs Claim Number:     

Branch of service: USAR Military Rank: CPT Dates of service: (b) (6), (b) (7)(C)  
SIGNATURE: (b) (6), (b) (7)(C) Date: 10/31/2016

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

**Please return completed form to:**

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

**Or**

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

I am a U.S. Border Patrol Agent that has been placed on Administrative Duty ~~For~~ For receiving a Disorderly Conduct Citation in March of this year. The citation has been dismissed & I still await being returned to duty since July 26<sup>th</sup>.

I feel the U.S. Border Patrol is unnecessarily delaying my return to duty. Since being placed on administrative duty, I have not been allowed to work the normally required overtime, costing \$800 per month. I have also been forced to perform tasks outside the duty description of a Border Patrol Agent that include: Landscaping, construction, Facility repair & renovation as well as janitorial duties.

In August, I was interviewed by an internal affairs investigator where he agreed that my Disorderly Conduct Citation was unfairly issued and the resulting actions that included a physical assault by security personnel was not my fault. Furthermore, when I informed my supervisors & the Patrol Agent In Charge of (b) (6), (b) (7)(C) that this investigation concluded I was merely defending myself, they expressed a lack of interest and threatened Insubordination charges if I do not continue to perform renovation work on the (b) (6), (b) (7)(C)

Sincerely,

(b) (6), (b) (7)(C)

Print Name

10/31/2016

Date



**U.S. Customs and  
Border Protection**

**NOV 16 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This is in response to your October 6, 2015, correspondence on behalf of your constituent, Agent (b) (6), (b) (7)(C) regarding his reassignment to a position of Customs and Border Protection Officer (CBPO) from a Border Patrol Agent (BPA) position with U.S. Customs and Border Protection (CBP).

Agent (b) (6), (b) (7)(C) entered on duty as a BPA on (b) (6), (b) (7)(C) at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). He applied for CBPO lateral reassignments to (b) (6), (b) (7)(C) and to (b) (6), (b) (7)(C). On May 28, 2015, a specialist with the CBP Minneapolis Hiring Center (MHC) reviewed the résumé BPA (b) (6), (b) (7)(C) submitted with his reassignment request. In comparing the qualifications he listed in his résumé to the standards for each pay grade of the CBPO position, the specialist extended an offer of a General Schedule (GS)-09 step 10 pay level for a position at (b) (6), (b) (7)(C). After an inquiry by Agent (b) (6), (b) (7)(C) another specialist at the MHC conducted a second review. The second specialist agreed with the original qualifications review, and his offer remained at GS-09 step 10.

The tentative job offer that was e-mailed to Agent (b) (6), (b) (7)(C) explained that his pay would be set based on Highest Previous Rate (HPR). HPR is the highest rate of basic pay previously received by an individual while employed in a civilian position of the Federal government, or the highest rate of basic pay in effect when a GS employee held his or her highest GS grade and highest step within that grade.

The offer also stated that when applying for any reassignment, an applicant must meet the minimum qualification standards for a position. Each pay grade for a position has increasingly more complex requirements that must be met in order to move into that pay grade. The grade of a job is determined by various factors including the scope, complexity, and difficulty of the work performed – the higher the grade, the greater the complexity of the position, and the greater the pay. An applicant's résumé is compared to the standards set for each pay grade for a position.

Honorable Martha McSally

Page 2

We are pleased to announce that BPA (b) (6), (b) (7)(C) medical exam was completed on October 5, 2015. He was contacted by the MHC on October 13, 2015, to establish an entry-on-duty (EOD) date in (b) (6), (b) (7)(C). Applicants must pass a second fitness test prior to EOD. Agent (b) (6), (b) (7)(C) second fitness test is scheduled for November 18, 2015. If he successfully completes this test, he is scheduled to EOD on December 13, 2015.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Yeager', with a stylized flourish extending to the right.

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Friday, October 9, 2015 11:14 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) DHS.PAC.10.05.2015.pdf;  
DHS.DOC.10.05.2015.pdf

(b) (6), (b) (7)(C)

Please assign to PDO. Thank you.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Wednesday, October 07, 2015 8:56 AM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** FW: Congressional Inquiry: (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached inquiry. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) office)

Blackberry)

fax)

(b) (6), (b) (7)(C)

---

**From:** Giesecke, Cynthia (b) (6)  
**Sent:** Tuesday, October 06, 2015 4:11 PM  
**To:** OCAINQUIRY  
**Subject:** Congressional Inquiry: (b) (6), (b) (7)(C)

Sir or Madam:

Our constituent, (b) (6), (b) (7)(C), has brought to our attention a concern about difficulties he has sustained in requesting a transfer. He states that he feels he has been discriminated against due to his diabetes. The nature of the discrimination has come from the Minneapolis Hiring Center within the Department of Homeland Security-CBP. His statement to our Congresswoman will give further detail about his concern. He did state that he contacted EEO and EEO was unresponsive.

Attached you will find his privacy act consent form, statement and supporting documentation. Any information or assistance you can provide on behalf of Mr. O'Mara would be very much appreciated.



Cynthia Fierro Giesecke  
Constituent Services & Community Outreach Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal  
Suite B-160  
Sierra Vista, AZ 85635  
Office Phone: (520) 459-3115  
Office Hours: M-F 9 a.m.- 5 p.m.

(b) (6)

**CONFIDENTIALITY:** This email and any attachments are confidential and may contain personal information. Any unauthorized review, use or distribution is prohibited. If you are not the named recipient, please notify the sender immediately and do not disclose the contents to another person, use it for any purpose, or store or copy the information in any medium. Thank you.



(b) (6), (b) (7)(C)

**Customs and Border Protection Officer -**

(b) (6), (b) (7)(C)

5 messages

**CBP HIRING MED REVIEW**

(b) (7)(E)

Tue, Aug 18, 2015 at 11:42 AM

To: (b) (6), (b) (7)(C)

Cc: CBP HIRING MED REVIEW (b) (7)(E)

Dear Candidate,

This email contains attachments that require your action. Please open the password protected attachments using the last four digits of your social security number. The information provided in these attachments pertains to the status of your tentative selection for a position with the Department of Homeland Security. If you have any questions regarding this email, please call (b) (6), (b) (7)(C) or send an email to (b) (7)(E)

A response to the attachments in this email is necessary for continued consideration for your tentative selection. We appreciate your interest in employment with the Department of Homeland Security.

Please note that you may have difficulty opening the attachment with a mobile device. We encourage the use of a computer to access the documents.

Thank you,

Medical Review Unit

Minneapolis Hiring Center

Follow U.S. Customs and Border Protection at the [CBP Newsroom](#).

Please consider the environment before printing this e-mail

 (b) (6), (b) (7)(C) CBPO.PDF  
495K

(b) (6), (b) (7)(C)

Tue, Aug 18, 2015 at 12:01 PM

To: CBP HIRING MED REVIEW (b) (7)(E)

I have received this documents and am going to the doctors today at 3:10pm Arizona time.  
U.S. Border Patrol Agent

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C)

**CBP HIRING MED REVIEW**

(b) (7)(E)

Fri, Aug 21, 2015 at 9:15 AM

To: (b) (6), (b) (7)(C)

Cc: CBP HIRING MED REVIEW (b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

Thank you for the information.

Sincerely,

(b) (6), (b) (7)(C)

Nurse Consultant

Medical Review Unit

Pre-Employment Clearances and Scheduling Branch

Minneapolis Hiring Center, Office of Human Resources Management

US Customs & Border Protection

Phone: (b) (6), (b) (7)(C) Fax: (b) (6), (b) (7)(C)

Follow U.S. Customs and Border Protection at the CBP Newsroom.



Please consider the environment before printing this e-mail

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, August 18, 2015 2:02 PM

**To:** CBP HIRING MED REVIEW

**Subject:** Re: Customs and Border Protection Officer - (b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C)

Fri, Sep 4, 2015 at 1:27 PM

To: CBP HIRING MED REVIEW (b) (7)(E)

Medical Hiring Team,

As requested a medical review for my diabetes.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

ATTN: Please see the two attached files.

[Quoted text hidden]

(b) (6), (b) (7)(C)

**2 attachments**



**1.pdf**  
424K



**09.01.2015.pdf**  
3585K

**CBP HIRING MED REVIEW**

(b) (7)(E)

Tue, Sep 8, 2015 at 8:29 AM

To: (b) (6), (b) (7)(C)

Cc: CBP HIRING MED REVIEW

(b) (7)(E)

Dear (b) (6), (b) (7)(C)

Your information has been received. Thank you.

Sincerely,

(b) (6), (b) (7)(C)

Nurse Consultant

Medical Review Unit

Pre-Employment Clearances and Scheduling Branch

Minneapolis Hiring Center, Office of Human Resources Management

US Customs & Border Protection

Phone: (b) (6), (b) (7)(C) Fax: (b) (6), (b) (7)(C)

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Please consider the environment before printing this e-mail

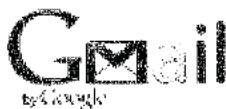
From: (b) (6), (b) (7)(C)

Sent: Friday, September 4, 2015 3:27 PM

[Quoted text hidden]

[Quoted text hidden]

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

**RE: Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)**  
14 messages

(b) (6), (b) (7)(C)

Fri, Jun 5, 2015 at 11:44 PM

To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I have my medical set for this Tuesday at 11:00AM, how long from then would I likely hear about an EOD? I am in the process of buying a house in (b) (6), (b) (7)(C) and they aren't letting me go ahead with the buy due to the contract stating, the purchase is dependent on my EOD. Don't mean to be a pain just was curious.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Friday, June 05, 2015 7:39 AM

To: (b) (6), (b) (7)(C)

Subject: RE: Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)

Good morning (b) (6), (b) (7)(C)

I received your voicemail; however the message cut off before I could get the phone number to reach you at. Please let me know the best number to contact you or feel free to send me an email with your question.

Thanks!

(b) (6), (b) (7)(C)

Human Resources Specialist

Recruitment and Consulting Staffing Services

Minneapolis Hiring Center, Office of Human Resources Management

US Customs & Border Protection

Phone: (b) (6), (b) (7)(C) eFax: (b) (6), (b) (7)(C)

Follow U.S. Customs and Border Protection at the CBP Newsroom.

(b) (6), (b) (7)(C)





Please consider the environment before printing this e-mail

**From:** (b) (6), (b) (7)(C)

**Sent:** Thursday, May 28, 2015 6:46 AM

**To:**

(b) (6), (b) (7)(C)

**Cc:**

**Subject:** RE: Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)

Good morning (b) (6), (b) (7)(C)

This shouldn't be an issue as long as you tell the medical/fitness schedulers when they contact you to set up an appointment.

I have input a request to start your pre-employment requirements and expect that you will be contacted within the next couple weeks for scheduling.

Please find the attached medical examination fact sheet for your reference.

Thanks!

(b) (6), (b) (7)(C)

Human Resources Specialist

Recruitment and Consulting Staffing Services

Minneapolis Hiring Center, Office of Human Resources Management

US Customs & Border Protection

Phone: (b) (6), (b) (7)(C) eFax: (b) (6), (b) (7)(C)

Follow U.S. Customs and Border Protection at the CBP Newsroom.



Please consider the environment before printing this e-mail

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)

**Sent:** Wednesday, May 27, 2015 4:26 PM

**To:** (b) (6), (b) (7)(C)

**Subject:** RE: Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I gladly accept this position. The question I have is that I have annual leave and my wedding and honeymoon June 19-July 8. I hope this does not effect the process and EOD. I look forward to getting this process started.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Wednesday, May 27, 2015 11:17 AM

**To:** (b) (6), (b) (7)(C)

**Cc:**

**Subject:** Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

This email is to extend a conditional offer of employment to you for the following position:

**Job Title:** CBP Officer

**Payplan/Job Series/Grade/Step:** GS-1895-09 Step 10

**Full Performance Level:** GS-12

**Agency:** Customs and Border Protection, Office of Field Operations, (b) (6), (b) (7)(C)

**Duty Location:** Port Huron, MI

**Salary:** \$68,393 (includes locality pay)

**Retirement Plan:** CBPO Enhanced (Primary)

**Appointment Type:** Career

Please be advised that when you enter on duty in the CBP Officer position you will no longer be covered under the Special Retirement System for Law Enforcement Officers, but will be covered under the CBPO Enhanced Retirement System. For further information on the CBPO Enhanced Retirement Coverage, please see

(b) (6), (b) (7)(C)

If you have questions regarding your retirement coverage provisions, please contact the CBP Retirement Operations Center at (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**Retirement Coverage:** Acceptance of this offer indicates your understanding of the change to your retirement.

**Salary Determination:** Your salary was set based on your Highest Previous Rate (HPR). HPR is the highest rate of basic pay previously received by an individual while employed in a civilian position of the federal government or the highest rate of basic pay in effect when a GS employee held his or her highest GS grade and highest step within that grade. For more information on HPR see <http://www.opm.gov/oca/pay/html/MPRRule.asp>. If you have any questions about how your pay was set, please contact me at the number listed below prior to your acceptance of this offer.

Please reply no later than close of business on **Friday, May 29, 2015** as to whether you wish to accept this offer. If you decide to decline the offer, please respond to this message and include your reason(s) in your response.

We are making this **conditional offer** of employment based on a projection of hiring needs, the existence of a vacant funded position, the absence of any hiring restrictions, and any other controlling factors. This **conditional offer** is also contingent upon successful completion of the following pre-employment requirements.

- You will be required to clear a medical examination prior to your appointment to this position
- You will be required to pass two Pre-employment fitness tests prior to your appointment to this position

**Training:** You will be required to attend 18 weeks of paid training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. Candidates selected for certain duty locations may receive an additional 6 weeks of Spanish language training. Failure to successfully complete the Training Academy will result in either being returned to your former position at your former location, reassignment to a different position, demotion, or separation by appropriate procedures. **Any movement in duty location is at the discretion of OFO and may be done at your own expense.**

Please note: Any change in your current employment status may affect this job offer. Please contact your HR Specialist below before making any employment changes.

If you have any questions, feel free to contact me. I can be reached at the phone number below or by email.

Thank you and congratulations!

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



Human Resources Specialist

Recruitment and Consulting Staffing Services

Minneapolis Hiring Center, Office of Human Resources Management

US Customs & Border Protection

Phone: (b) (6), (b) (7)(C) eFax: (b) (6), (b) (7)(C)

Follow U.S. Customs and Border Protection at the CBP Newsroom.



Please consider the environment before printing this e-mail

(b) (6), (b) (7)(C)  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

Sun, Jun 7, 2015 at 11:34 PM

(b) (6), (b) (7)(C)

I will be off the next two days ( Monday and Tuesday). I CC my personal email so when you email I should get it there too. Sorry to be a pain, but I am down to 72 hours on closing on a house and thought maybe you might have some insight on, when EODs go out and turn around.

Thanks

[Quoted text hidden]

(b) (6), (b) (7)(C)  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

Mon, Jun 8, 2015 at 4:01 AM

Good morning (b) (6), (b) (7)(C)

We will look at setting an EOD date once we receive the passing results of the medical/fitness. It may take up to several weeks to receive the results of the med/fit. Once received, I will reach out to you to set an EOD. Typically the Field Office would like to have you EOD within 90 days of the clearance of your med/fit.

Please let me know if you have additional questions.

Thanks!

(b) (6), (b) (7)(C)

Human Resources Specialist

Recruitment and Consulting Staffing Services

(b) (6), (b) (7)(C)

Minneapolis Hiring Center, Office of Human Resources Management

US Customs & Border Protection

Phone: (b) (6), (b) (7)(C) eFax: (b) (6), (b) (7)(C)

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Please consider the environment before printing this e-mail

From: (b) (6), (b) (7)(C)  
Sent: Saturday, June 6, 2015 1:45 AM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

[Quoted text hidden]

[Quoted text hidden]

To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Mon, Jun 8, 2015 at 8:31 AM

90 days from tomorrow at the latest. I need to talk to chuck today and get numbers but I'll be in contact soon with the pulling of the contingency.

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C)  
Date: Jun 8, 2015 4:01 AM  
Subject: RE: Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)  
[Quoted text hidden]

To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Mon, Jun 8, 2015 at 8:40 AM

Got it, make sure numbers are where they should be, I requested an additional 24 hours for us but that's not solid as of yet. Also, when you do talk to (b) (6), (b) (7)(C) let him know that our inspection did cover foundation and that I specifically asked the inspector about that. I'll talk to you later today. Just a heads up that our original time frame to hear back was 30 days or less from the Government. The message you sent this morning said it could be 90 days from tomorrow, is that until they decide?

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)  
Office: (b) (6), (b) (7)(C)  
Email: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

[Quoted text hidden]

Chris O'Mara (b) (6), (b) (7)(C)  
To: (b) (6), (b) (7)(C)

Mon, Jun 8, 2015 at 8:46 AM

No this is saying when I Entry on Duty 90 days is the latest, I already have the offer. So the quicker the medical goes in the faster I hear back. These guys are pretty quick, however I figure that once all this is signed and settled that we will be closer to 90 days then today.

(b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
To: (b) (6), (b) (7)(C)

Mon, Jun 8, 2015 at 8:49 AM

Ok, firm up numbers and the inspection he's talking about and we'll talk later. I just don't want you to step into anything we can't shake off our shoes lol!

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C)  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

Tue, Jun 16, 2015 at 2:12 PM

(b) (6), (b) (7)(C)

My personal email is (b) (6), (b) (7)(C) and my phone is (b) (6), (b) (7)(C)

Thanks

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Monday, June 08, 2015 4:01 AM

To: (b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C)

[Quoted text hidden]

To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Thu, Jul 9, 2015 at 2:39 PM

(b) (6), (b) (7)(C)

This is the offer, you will find it towards the bottom of the email. I can't seem to get the back and forth deleted, however this is the official letter.

(b) (6), (b) (7)(C)

Forwarded message

From: (b) (6), (b) (7)(C)

Date: Jun 16, 2015 2:13 PM

Subject: RE: Tentative Selection - CBP Officer GS-1895-09 - (b) (6), (b) (7)(C)

[Quoted text hidden]

To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Thu, Jul 23, 2015 at 5:55 PM

(b) (6), (b) (7)(C)

This is the offer, you will find it towards the bottom of the email. I can't seem to get the back and forth deleted, however this is the official letter. I think I have everything you asked for up loaded, I added a credit report and the house inspection. We are leaning towards usda because 0 down sounds awesome with the move and furnishing the house. If you need anything else call or email.

(b) (6), (b) (7)(C)

[Quoted text hidden]

To: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Sat, Sep 26, 2015 at 10:24 AM

(b) (6), (b) (7)(C)

We had to many red flags on this manufactured house, and are looking again. This time for stick built. All the paper work I had sent before is the same, is there a chance to get a pre-approval rate for a usda on a stick built?

(b) (6), (b) (7)(C)

[Quoted text hidden]

To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)

Fri, Oct 2, 2015 at 8:44 AM

Good morning (b) (6), (b) (7)(C)

I received a message from (b) (6), (b) (7)(C) that you had additional questions regarding this selection. It looks like we are still pending the results of your medical exam. This is often the lengthiest portion of the pre-employments for a reassignment, so hopefully we will receive those soon. The medical unit should be in contact with you if they require any additional/follow-up information.

Thanks!

(b) (6), (b) (7)(C)



**(b) (6), (b) (7)(C)**

Human Resources Specialist

Recruitment and Consulting Staffing Services

Minneapolis Hiring Center, Office of Human Resources Management

US Customs &amp; Border Protection

Phone: (b) (6), (b) (7)(C) eFax: (b) (6), (b) (7)(C)

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Please consider the environment before printing this e-mail

**From:** (b) (6), (b) (7)(C)**Sent:** Tuesday, June 16, 2015 4:12 PM

[Quoted text hidden]

[Quoted text hidden]

**(b) (6), (b) (7)(C)****To:** (b) (6), (b) (7)(C)

Fri, Oct 2, 2015 at 9:39 AM

I did get in touch with medical they said it could be up to another 4 weeks (16 weeks total). They also stated that since I'm a BPA and a diabetic I might have mental issues. Are they trying to get EEO involved making things up like that?

**(b) (6), (b) (7)(C)**

[Quoted text hidden]

**(b) (6), (b) (7)(C)****To:** (b) (6), (b) (7)(C)

Fri, Oct 2, 2015 at 9:45 AM

Oh goodness... I do know that they are processing a very large number of cases right now, so the wait time for all applicants is most likely longer than usual. I apologize that the experiences you've had with the medical team thus far have been less than enjoyable. If they require any additional follow-up, try to get the information to them as quickly as possible since the wait time has been so lengthy.

Please let me know if you have any questions!

**(b) (6), (b) (7)(C)**

Human Resources Specialist

Recruitment and Consulting Staffing Services

Minneapolis Hiring Center, Office of Human Resources Management

US Customs &amp; Border Protection

**(b) (6), (b) (7)(C)**

Phone: (b) (6), (b) (7)(C) eFax: (b) (6), (b) (7)(C)

Follow U.S. Customs and Border Protection at the CBP Newsroom.



Please consider the environment before printing this e-mail

**From:** (b) (6), (b) (7)(C)

**Sent:** Friday, October 2, 2015 11:40 AM

[Quoted text hidden]

[Quoted text hidden]

MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2642

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: DHS Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes: ☒ No: ☐ Who? Michigan State REP Candice Miller  
(For USCIS) Immigration Case Number / A#: \_\_\_\_\_  
(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_  
(For OPM) Civil Service Claim Number: \_\_\_\_\_  
(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_ - \_\_\_\_\_  
SIGNATURE: (b) (6), (b) (7)(C) Date: 10/05/2015

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

Difficulties with transfer, pay grade, and discrimination within the medical unit of the Minneapolis Hiring Center, within the Department of Homeland Security.

Please refer to attached self statement, and emails. Discrimination occurred verbally over the phone, and have asked but can not retain it on paper.

Sincerely,

(b) (6), (b) (7)(C)

Print Name

10-05-2015

Date



Dear Representative McSally,

My name is (b) (6), (b) (7)(C) and I reside in (b) (6), (b) (7)(C). I am originally from (b) (6), (b) (7)(C) and my wife and I moved here for my career in (b) (6), (b) (7)(C). I am a Border Patrol Agent with the Department of Homeland Security and am currently working out of the (b) (6), (b) (7)(C).

In the beginning of 2015, there were openings for transfers to the (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) for U.S. Customs and I was immediately interested. After submitting all of the necessary paperwork, the Minneapolis Hiring Center offered me a position as a Customs Officer at a paygrade of General Scale 9-10. I gladly accepted in late April. Shortly thereafter, other agent's at my station became interested and were offered General Scale 11-10 positions that were junior in position with less experience. When I asked the hiring center about the inconsistencies, they refused to give any sort of answer and still disregard this issue. I however cannot provide other Agents offers, but have personally seen them.

During my numerous medical evaluations, I presented that I am an in control Type 1 diabetic for over 22 years. Upon finding this out, the medical review team requested additional in-depth information. I provided the information they requested such as A1C numbers, insulin pump logs and a letter from my Doctor in a timely manner. They responded and said that they would have my information reviewed within four to six weeks. All of my paperwork has been in medical review with the Hiring Center since June of 2015.

When I attempt to make contact, they say things such as "As a diabetic, we are not sure you can carry a weapon in your position" & "We need to review your mental state on top of your diabetes" as well as that the original time frame for a review may not stand like they originally stated because they are not sure when they can review my file. When I informed them about my diabetes and I submitted paperwork from my Superiors stating that in the past five years I have never had an incident, they stated that they doubt that would have any impact on their decision. I recently was able to make contact with Lynn at the medical center and she said she had never heard about Diabetes causing mental issues. She also kindly looked at the paper work and said there was no reference to mental issues.

However she did state that they are under a heavy work load and could be another 4-6 weeks before I get information on my review process.

I feel that this is a form of discrimination against me. Other Agents have applied and transferred within a few weeks' time while I am still waiting and given the run-around. I have exhausted all of my resources and efforts at this time with very little outcome and solutions. I feel that this is something that concerns the taxpayers as well as yourself and was hoping that this is something that could be further looked into.

I greatly appreciate your time,

Border Patrol Agent

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Monday, February 13, 2017 1:41 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) BP.PAC.02.10.17.pdf; (b) (6), (b) (7)(C) CBP.PAC.01.28.17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi (b) (6), (b) (7)(C)

Could you assign this to OPR for OCA signature?

Thank you,  
(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Friday, February 10, 2017 2:57 PM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (Blackberry) (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCA TASKING  
**Sent:** Friday, February 10, 2017 2:23 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, February 10, 2017 2:17 PM  
**To:** OCA TASKING (b) (7)(E)  
**Subject:** FW: Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Please send to OES for OPR to provide an official response.

V/r,

(b) (6), (b) (7)(C)

---

From: (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
Sent: Friday, February 10, 2017 11:53 AM  
To: (b) (6), (b) (7)(C)  
Cc: OCAINQUIRY (b) (7)(E) (b) (6), (b) (7)(C)  
Subject: Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Please attached for a polygraph inquiry with the required language. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

From: Montano, Rosa (b) (6)  
Sent: Friday, February 10, 2017 11:29 AM  
To: OCAINQUIRY (b) (7)(E)  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Inquiry (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Attached is the new form with the requested sentence. Thank you for your assistance on behalf of (b) (6), (b) (7)(C)

Respectfully,



Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



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**From:** (b) (6), (b) (7)(C) **On Behalf Of** OCAINQUIRY  
**Sent:** Wednesday, February 01, 2017 10:50 AM  
**To:** Montano, Rosa  
**Cc:** OCAINQUIRY; (b) (6), (b) (7)(C)  
**Subject:** RE: Inquiry (b) (6), (b) (7)(C)

Good morning,

Thank you for your inquiry. Due to the sensitive nature of background investigation and polygraph cases, CBP requires additional language on the constituent's privacy release form (PRF) before we can fully respond to your inquiry. This language will allow your office to receive all details, to include any relevant admissions or other information used to make CBP's determination on polygraph and background results. Per our Office of Chief Counsel, please have your constituent add the below sentence—written or typed—verbatim to their privacy release form.

**REQUIRED SENTENCE:** "I authorize Customs and Border Protection to release the results of my polygraph examination and/or background investigation, including all relevant admissions and other factors used to make a suitability determination to the office of Congresswoman Martha McSally."

Once added, please send the re-signed and dated form back to (b) (7)(E). Upon receiving this, we will work as quickly as possible to deliver a signed response to your office. We apologize for any inconvenience.

If you have any additional questions, please let us know. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (main line) | (b) (7)(E)

---

*For access to the CBP resources for Congress, please visit*  
<https://www.cbp.gov/about/congressional-resources/references-reports/guide#>

*For all casework inquiries, please include a detailed description of the issue as well as a signed Privacy Act Release from your office, signed by the person for whom the information is being sought.*

This email (including any attachments) is intended for the use of the individual or entity to which it is addressed. The information in the e-mail may be sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify the sender and delete all copies.

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Wednesday, February 1, 2017 12:40 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** Inquiry (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) contacted our office in regards to his polygraph examination during the hiring process. (b) (6), (b) (7)(C) states that he was disqualified due to an unfavorable polygraph. He states that he was informed that he would be given the opportunity to take it again, but that chance never came. (b) (6), (b) (7)(C) has expressed his experience with the hiring process of CBP. We respectfully request a response from your office to send to (b) (6), (b) (7)(C). Thank you for your assistance.

Sincerely,



Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



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## Congresswoman Martha McSally

Date of Birth:

(b) (6), (b) (7)(C)

Social Security Number:

(b) (6), (b) (7)(C)

Information from Step one:

Name: (b) (6), (b) (7)(C)

Agency Involved: Customs &amp; Border Protection

Tax Years in Question (If applicable):

Agency Case Number(s) (VA claim, Alien number, tax ID, etc.): None

Name: (b) (6), (b) (7)(C)

Branch of Service (If Applicable):

Military Rank (If Applicable):

Street Address: (b) (6), (b) (7)(C)

City, State, Zip Code: (b) (6), (b) (7)(C)

Telephone #: (b) (6), (b) (7)(C)

Email Address: (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the Customs & Border Protection to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

Nature of Problem: Ms. McSally, My name is (b) (6), (b) (7)(C) Recently I underwent a hiring process for CBP officer but was disqualified due to an "unfavorable polygraph" result. I ran across information that you have had issues with the agency's polygraph practices before so I thought my experience might be of interest to you. I was very surprised to learn that I had failed the polygraph and when informed, I was told that I would probably be given the chance to take it again. Unfortunately that opportunity never came. Currently I'm employed full time as a (b) (6), (b) (7)(C) with the (b) (6), (b) (7)(C) I volunteer with the Arizona Rangers and serve as the (b) (6), (b) (7)(C) I am also the (b) (6), (b) (7)(C) for the organization. In my time with (b) (6), (b) (7)(C) and in application processes for other agencies, I've take at least 8 different polygraphs. I've never failed a single one. The process at CBP is much different than other polygraphs I've taken. Part of the testing included (b) (7)(E) which seemed very odd. I was also quite ill from the flu and though I would be rescheduled. The polygrapher didn't seem to think that was an issue. Anyway, I just wanted to share my story as it seems like many qualified people are turned away from an agency who is supposed to be hiring like crazy. Thank you.

## PLEASE NOTE:

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry.

Signature: (b) (6), (b) (7)(C)

Date: 01/28/17

Congresswoman Martha McSally

Date of Birth:

(b) (6), (b) (7)(C)

Social Security Number:

(b) (6), (b) (7)(C)

Information from Step one:

Name: (b) (6), (b) (7)(C)

Agency Involved: Customs and Border Protection

Tax Years In Question (if applicable):

Agency Case Number(s) (VA claim, Alien number, tax ID, etc.): None

Name: (b) (6), (b) (7)(C)

Branch of Service (If Applicable):

Military Rank (If Applicable):

Street Address: 2304 W Paseo Cielo

City, State, Zip Code: (b) (6), (b) (7)(C)

Telephone #: (b) (6), (b) (7)(C)

Email Address: (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the Customs and Border Protection to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

Nature of Problem: Ms. McSally, My name is (b) (6), (b) (7)(C) Recently I underwent a hiring process for CBP officer but was disqualified due to an "unfavorable polygraph" result. I ran across information that you have had issues with the agency's polygraph practices before so I thought my experience might be of interest to you. I was very surprised to learn that I had failed the polygraph and when informed, I was told that I would probably be given the chance to take it again. Unfortunately that opportunity never came. Currently I'm employed full time as a (b) (6), (b) (7)(C) with the (b) (6), (b) (7)(C) I volunteer with the Arizona Rangers and serve as the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I am also the (b) (6), (b) (7)(C) for the organization. In my time with (b) (6), (b) (7)(C) and in application processes for other agencies, I've take at least 6 different polygraphs. I've never failed a single one. The process at CBP is much different than other polygraphs I've taken. Part of the testing included (b) (7)(E) which seemed very odd. I was also quite ill from the flu and though I would be rescheduled. The polygrapher didn't seem to think that was an issue. Anyway, I just wanted to share my story as it seems like many qualified people are turned away from an agency who is supposed to be hiring like crazy. As requested by CBP, I'm including the following verbiage: "I authorize Customs and Border Protection to release the results of my polygraph examination and/or background investigation, including all relevant admissions and other factors used to make a suitability determination to the office of Congresswoman Martha McSally." Thank you

PLEASE NOTE:

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry.

Signature: (b) (6), (b) (7)(C)

Date: 02/10/17



(b) (6), (b) (7)(C)

**From:** CBPEXECSEC  
**Sent:** Thursday, July 28, 2016 3:09 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 07-12-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) PAC.CBP.07.12.16.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b) (6), (b) (7)(C)  
Please assign to OPR for OCA signature. Thank you.

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Monday, July 18, 2016 12:34 PM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 07-12-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Tuesday, July 12, 2016 5:59 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** Inquiry (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) has contacted our office regarding his experience with a polygraph examination that occurred on March 8, 2016. I have attached (b) (6), (b) (7)(C) privacy release form along with his letter detailing the events that followed the examination for your review. (b) (6), (b) (7)(C) states that the individual who administered his polygraph examination was questionable and used unfair methods to screen him. (b) (6), (b) (7)(C) is respectfully requesting that your office review his circumstances as he was informed that he failed the exam two times, when in fact he was only examined once. Any assistance you can provide on behalf of (b) (6), (b) (7)(C) would be greatly appreciated.

Sincerely,



Rosa Montañño, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588

(b) (6)



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MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes: \_\_\_ No X Who? \_\_\_  
(For USCIS) Immigration Case Number / A#: \_\_\_  
(For IRS) Tax Return Year (s) in Question: \_\_\_  
(For OPM) Civil Service Claim Number: \_\_\_  
(For VA/Military) Veterans Affairs Claim Number: \_\_\_

Branch of service: \_\_\_ Military Rank: \_\_\_ Dates of service: \_\_\_ - \_\_\_  
SIGNATURE: (b) (6), (b) (7)(C) Date: 07/12/16

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

- PLEASE SEE ATTACHED DOCUMENTS

Sincerely,

(b) (6), (b) (7)(C)

Print Name

7/12/16

Date



Dear Congresswomen McSally,

I'm submitting this letter as a formal complaint about my recent experience with the process involving Customs and Border Protection and their Credibility Assessment Divisions reliance on the polygraph program to screen applicants.

It is my understanding that the program has had some very questionable results. I've even heard that the failure rate is somewhere on the magnitude of eighty percent, which is astounding. In my experience that indicates that there are very severe programmatic failures administratively, technically and ethically. What is especially disturbing is their absolute belief in the infallibility of a device that has been proven to be inaccurate at best and believed by many to be based on pseudoscience.

Let me begin by providing some background about myself.

I began my career with the US Government in (b) (6), (b) (7)(C). I enlisted in the US Air Force one month after I turned (b) (6), (b) (7)(C). After basic training and technical school I was assigned to the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) working on the (b) (6), (b) (7)(C). I continued with the Air Force after my enlistment expired as a member of the Air Force Reserve, during which time I was assigned to the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). While in the Air Force Reserve I deployed to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) in support of Operation Desert Shield/Storm.

I left the Air Force Reserve (b) (6), (b) (7)(C) to pursue a career in civil service. I joined the US Border Patrol in (b) (6), (b) (7)(C) and in (b) (6), (b) (7)(C) I accepted a transfer to the Immigration and Naturalization Service (I&NS) in (b) (6), (b) (7)(C). I returned to the US Border Patrol in (b) (6), (b) (7)(C) and was assigned to the (b) (6), (b) (7)(C) at the (b) (6), (b) (7)(C) stations. During that time I promoted to Senior Patrol Agent and I did a temporary assignment at the US Border Patrol Academy as a law instructor.

In 2000 I had a one year break in service during which time I worked for the (b) (6), (b) (7)(C). I returned to the US Border Patrol in July of 2001 with an assignment to the (b) (6), (b) (7)(C) station and I eventually promoted to the (b) (6), (b) (7)(C) station in 2003 as a Supervisory Border Patrol Agent. I was one of the original employees of the Department of Homeland Security-Customs and Border Protection the day it officially stood up in March of 2003.

During my tenure as a Supervisory Border Patrol Agent I served in many roles. I worked as a line supervisor, I was selected to be the (b) (6), (b) (7)(C) and I was eventually selected by an Assistant Chief Patrol Agent at (b) (6), (b) (7)(C) to work as his assistant.

In July of 2007 I was selected to work in the (b) (6), (b) (7)(C) Investigations Unit-Sector Investigations Team. This assignment involved performing investigations pertaining to misconduct by Border Patrol personnel.

In (b) (6), (b) (7)(C) I was hired by the Department of Homeland Security-Office of Inspector General (DHS-OIG). The DHS-OIG performs a vital function for DHS as we are tasked with not only investigating fraud,

waste and abuse, but also public corruption. I have kept a top secret clearance both prior to and during my assignment to the DHS-OIG.

On March 8, 2016, I was directed to take a polygraph examination as part of the process for a return to Customs and Border Protection as a Criminal Investigator for the Office of Internal Affairs, a position that I was recruited for by the local office. Prior to the polygraph I was told to take I had heard that there were some questionable results that the CBP-Credibility Assessment Division (CAD) had been producing through their polygraph program. Although I knew that information I was not concerned as I had passed two polygraph examinations in the past and I have been a good, law abiding citizen and employee of the US Government for nearly three decades.

I drove to (b) (6), (b) (7)(C) arriving at the appointment at 8:50 AM, ten minutes prior to the 9:00 AM appointment. At approximately 9:05 AM, contract CBP Polygraph examiner (b) (6), (b) (7)(C) greeted me and we walked to the small room in the office where the polygraph examination would take place.

(b) (6), (b) (7)(C) and I chatted for a few minutes during which time I told him that I looked up his profile on the internet, which I think bothered him though he didn't say so. We also discussed the fact that I was currently a Special Agent for the DHS-OIG. At some point during the day he brought that up and how there is a different, higher standard for behavior as a Special Agent. Facts that I was perfectly aware of and didn't need explained repeatedly. Repetition would become one of the hallmarks of the day I spent involved in this polygraph examination.

(b) (6), (b) (7)(C) had me fill out two forms prior to the examination; one was a Miranda waiver of rights, which I found odd. My understanding was that this was going to be a pre-employment polygraph examination but the Miranda waiver caused me to believe that there was some type of criminal investigation being conducted as well. In hindsight I've been told that the polygraph examiners will actually get admissions from applicants pertaining to criminal activity, even if there was nothing in the examination to indicate the applicant had done anything wrong.

(b) (6), (b) (7)(C) asked if I had read anything about how to evade or cheat on the examination which I hadn't. He also asked if I practiced yoga and I believe he asked me something about practicing meditation.

(b) (6), (b) (7)(C) explained that the polygraph device measures a person's physiological reactions during questioning by monitoring blood pressure, breathing, and sweating and body movement. He then asked me to rate my own honesty on a scale of 1 to 10. I rated myself as a 9 to an 8.5, I honestly don't believe anyone is perfect. I found that question to be odd, he provided some convoluted explanation about it that I can't recall very well. I think it had to do with predicting a person's honesty and the accuracy of the polygraph device.

(b) (6), (b) (7)(C) also asked if I had taken any polygraph examinations prior to the one he was going to administer.

I told him that I had taken and passed two, one for (b) (6), (b) (7)(C) and another for the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) then implied that their polygraph examinations weren't very thorough and a Federal polygraph is very different. He also said that there would be things about it that I wouldn't like.



(b) (6), (b) (7)(C)

added that those examinations had taken place some time ago, and things may have changed. [REDACTED] also said that CBP could be looking for different things than the state or local organizations were looking for.

(b) (6), (b) (7)(C)

[REDACTED] asked me why I was taking the polygraph examination and I asked him if he wanted the political answer. I told him that CBP had decided that anyone coming from outside had to take a polygraph examination, regardless of the fact that they had been a criminal investigator in good standing. I also expressed that I didn't agree with that policy. [REDACTED] explained that anyone employed by CBP Internal Affairs had to be held to a higher standard than the average employee, which I fully understood as I've been an employee of CBPs parent organization, DHS, for the last seven years. He explained this to me for about ten minutes in several different iterations, which I had no desire to hear repeatedly.

(b) (6), (b) (7)(C)

[REDACTED] also asked questions to determine if I was a good candidate for the polygraph examination. The questions pertained to sleep, medication, and any type of crisis or other situation that might influence my examination.

As I have learned in Reid interview training courses I have taken, [REDACTED] attempted to build rapport with me during the first part of the interview going about it incorrectly and for an unacceptably long period of time. I'm a seasoned investigator and a long time Government employee and quite frankly I found it to be insulting to be spoken to like I had just finished a shift at the local convenience store and I just popped in to have a polygraph examination. I'm relatively sure that this is part of the scheme developed to make the applicant mentally tired prior to the test. In my previous polygraph examinations this "rapport" building session was very short. [REDACTED] was repetitious and full of different stories which I had no time, or desire to hear.

At some point I mentioned to [REDACTED] that some of my friends had polygraph examinations that resulted in an inconclusive reading. [REDACTED] told me that there was no such thing as an inconclusive examination. He said it was strictly pass or fail. I thought that reaction was a bit odd given that the person I spoke about had been tested with the FBI, which they are required to do every five years.

(b) (6), (b) (7)(C)

[REDACTED] then went over the questions he would be asking me. There were four that dealt with criminal activity. One dealt with drug use, such as smoking marijuana, and using anything from opiates to prescription drugs. Another question deal with criminal drug activity such as smuggling, facilitating smuggling, making compartments for smuggling. Another question dealt with serious criminal activity, ranging from murder to assault, burglary, theft and other serious crimes.

The final question dealt with the information I had submitted on my background paperwork, which was completed in December 2013 as part of the process that is completed every five years if you have a top secret security clearance, which I do. This question was in reference to deliberately omitting or lying about the information on the form

(b) (6), (b) (7)(C)

[REDACTED] then went over question that had to do with my character such as [REDACTED] (b) (7)(E) original question, he tried to focus the original question using this one")

(b) (7)(E)

(I can't remember the

(b) (7)(E)

(b) (7)(E)

(b) (7)(E) and there was a final question about my morals (I don't remember that one clearly, but I believe that's what it pertained to).

(b) (7)(E)

(b) (7)(E) as an example.

The actual examination began approximately two to two and a half hours after I arrived at the appointment. In my opinion there was entirely too much talking prior to the test. (b) (6), (b) (7)(C) had an air about him and the way he explained things that he would probably consider to be professional but was in fact somewhat condescending, couple that with the fact that he spoke far too long prior to beginning the actual examination and you can see that the examiner is attempting to make the examinee mentally tired prior to beginning.

(b) (6), (b) (7)(C) set the test up after we were done speaking. He sat me in an office chair that had arm rests which were approximately an inch and a half wide and slanted very slightly downward with a twist at the end as it bent from horizontal to vertical to form one of the front legs of the chair. The right side of the chair was parallel to a desk that sat slightly higher than the arm of the chair, which later on in the examination left my right shoulder a bit stiff because of the unnatural position it was in.

(b) (6), (b) (7)(C), (b) (7)(E)

The chair faced a blue wall that was shared with the office next door, which was occupied by an insurance agent. The chair was close enough to the wall that I was able to push my toes against the base of the wall and leave my legs in a normal sitting position. You might ask how I know that an insurance agent occupied the office? I know that because I could hear him speaking with clients throughout the examination, even to the point that I could hear his client speaking through the phone.

During the test I could hear (b) (6), (b) (7)(C) constantly moving and clicking the mouse for his computer which was causing some anxiety because I began to wonder why he was so busily clicking away on the mouse. He also seemed to try to time his questions while I was inhaling which would cause me to interrupt my natural cycle of breathing to answer his question.

During one of the test (b) (6), (b) (7)(C) attempted to focus his questions, which he was obviously concentrating on drug use, major crimes, claimed other people's work and judging people.

After each test or "chart" I waited for approximately twenty to thirty minutes for him to check the charts.



After sitting through four iterations of the above described tests (b) (6), (b) (7)(C) called me back into the office. This time the chair was placed so that it faced the chair he was sitting in. (b) (6), (b) (7)(C) appeared to be clearly agitated as he announced that I had failed every question. My response was, "How is that even possible?" (b) (6), (b) (7)(C) then stated that I was holding something back and there was something that I was not telling him. He then went on to tell me more stories about polygraph examinations he had done. I told (b) (6), (b) (7)(C) if there was something I was holding back I don't know what it could be. He said that whatever wrong doing I was involved in must happen so frequently I was unable to remember doing it.

(b) (6), (b) (7)(C) then reiterated that I was holding something back and told me it was my polygraph and if I failed it was because I wasn't telling him something. I couldn't then, and I still can't figure out what he was insinuating that I had done. I told (b) (6), (b) (7)(C) that I wasn't clear on the "judging people" question and that I was guilty of judging people at time before I knew them. (b) (6), (b) (7)(C) then became agitated and said, "It took you twenty minutes to figure that out?"

(b) (6), (b) (7)(C) then went on to accuse me of not listening to his instructions; he said I moved during the test (you're supposed to hold perfectly still). (b) (6), (b) (7)(C) told me before the test to try to get to that place you're in just before you start to fall asleep in front of the television at home. I told (b) (6), (b) (7)(C) I tried. I stared at different points on the wall; I closed my eyes and tried to relax. When I explained that to (b) (6), (b) (7)(C) he just smirked and said, "You failed every question".

I became upset and told (b) (6), (b) (7)(C) I had no idea what he wanted from me. I explained to him repeatedly that I had quite literally done none of the things he was at that point accusing me of doing or attempting to hide. I told (b) (6), (b) (7)(C) either he, or the polygraph device was wrong. I told him I wouldn't have shown up for the test if I had something to hide. (b) (6), (b) (7)(C) replied, "You've taken Reid Training, you've heard people say that." I told (b) (6), (b) (7)(C) I was done and when I left I very clearly said, "What a fucking asshole". I still hold that opinion today.

This entire process took six and one half hours, without a lunch break.

On April 14, 2016, I received a letter from (b) (6), (b) (7)(C) of the CBP-Indianapolis Hiring Center stating that I had failed the polygraph examination and was no longer eligible for employment with CBP. The letter was signed by (b) (6), (b) (7)(C) HR Supervisor, Indianapolis Hiring Center.

Sometime around April 18, 2016, I received a phone call from (b) (6), (b) (7)(C) CBP-IA, Polygrapher, (b) (6), (b) (7)(C) AZ, who explained Quality Assurance acknowledged that there was a problem with (b) (6), (b) (7)(C) during the polygraph examination and that they would like to perform another polygraph examination. I told (b) (6), (b) (7)(C) that I would need time to think about it based on how I was treated during the previous polygraph examination. On April 22, 2016 I received an email message from (b) (6), (b) (7)(C) in reference to the previous phone call, and on April 25, 2016, I received another phone call from (b) (6), (b) (7)(C) asking if I had made a decision about taking the polygraph examination a second time. (b) (6), (b) (7)(C) and I discussed the fact that we had worked together on a previous occasion and he explained that they were going to bring in a CBP Polygraph Examiner if I decided to take it a second time. I told (b) (6), (b) (7)(C) appreciated the offer but I would not be taking a second polygraph examination because I had absolutely no faith in the program.

After receiving the news from (b) (6), (b) (7)(C) regarding problems with the first polygraph examination I requested a revised letter from (b) (6), (b) (7)(C) stating that I had not in fact failed the first polygraph examination. (b) (6), (b) (7)(C) said she had forwarded the request to her superiors.

On June 16, 2016 I received another letter from (b) (6), (b) (7)(C) This time the letter stated that I had failed a second polygraph examination. I was absolutely astounded. I received a letter stating that I had failed a second polygraph examination that I had in fact declined and therefore never took. The letter was signed by a person named (b) (6), (b) (7)(C) who is listed as an acting HR Supervisor at the Indianapolis Hiring Center

I send a response to (b) (6), (b) (7)(C) and all of the individuals on the email chain (I can provide the names if needed, I received a delivery/read response from all of them) stating that the letter was factually inaccurate and I demanded a response explaining why I had received it. As of this writing I have heard nothing. I've left messages for (b) (6), (b) (7)(C) and none of my phone calls have been returned.

I understand through many conversations with individuals who work for CBP that the CBP- CAD has been running a questionable polygraph program for several years now. They have a failure rate that far exceeds what which would be considered reasonable by any agency. My understanding is that they gauge their success not by the quality and objectivity of their work product but by the number of failed applicants they are able to produce, which is easy for any experienced polygraph examiner to produce.

I apologize for my rather long winded nature. I appreciate your efforts in taking on the problems associated with CBPs Credibility Assessment Program.

Respectfully,

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Thursday, August 18, 2016 10:52 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 08-17-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.Privacy releasepdf.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b) (6), (b) (7)(C)

Please assign to HRM for OCA signature. Thank you.

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Thursday, August 18, 2016 9:36 AM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 08-17-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) | (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax)

(b) (6), (b) (7)(C)

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**From:** Ash, Alesia (b) (6)  
**Sent:** Wednesday, August 17, 2016 12:32 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** New inquiry

**Name:** (b) (6), (b) (7)(C)  
**RE:** Health insurance deduction issue

Dear Congressional Liaison,

I am writing on behalf of our constituent, (b) (6), (b) (7)(C) a current U.S. Customs and Border Protection employee. (b) (6), (b) (7)(C) is requesting assistance resolving an issue with what he states are unauthorized salary deductions for health insurance.

(b) (6), (b) (7)(C) states he is enrolled in (b) (6), (b) (7)(C) as a result of military service beginning (b) (6), (b) (7)(C), and will not require further health insurance until November 2016. During this period, he states he requested his health and dental insurance deductions cease. However, he reports that only dental deductions have ceased while health insurance deductions have continued. (b) (6), (b) (7)(C) states a trouble ticket was submitted on June 13, 2016, regarding this issue.

(b) (6), (b) (7)(C) is now requesting information on if and when he can expect health insurance deductions to cease, and whether or not he will receive reimbursement for deductions made while covered by (b) (7)(E). Please inform our office if there is further action required on (b) (6), (b) (7)(C) behalf to resolve this issue. (b) (6), (b) (7)(C) privacy release form is attached with further explanation of the issue. Please do not hesitate to contact me via phone or email should you need additional information, or if this inquiry should be directed to the Office of Personnel Management.

Sincerely,

Alesia Ash  
Community Outreach/Constituent Services  
Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal, Suite B-160  
Office Phone: 520-459-3115



(b) (6)



[Sign up for our e-newsletter](#)



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: DHS/CBP AMO Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: \_\_\_ No ☒ Who? \_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: \_\_\_\_\_ Military Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE: (b) (6), (b) (7)(C) Date: 12 AUG 2016

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

**Please return completed form to:**

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

**Or**

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

On (b) (6), (b) (7)(C) I shipped out for Navy basic training. Immediately after graduation, I started Master-At-Arms school with no break in active duty service. On (b) (6), (b) (7)(C) I separated from active duty and moved to the Navy reserves. From January 13, 2006 till November 2016, I am covered by (b) (7)(E) and don't not need or want employer health insurance. Before I departed for basic training, my employer (U.S. Customs and Border Protection) was notified that my health insurance and dental insurance premium deductions needed to stop while I was covered by (b) (7)(E) My employer stopped deducting dental insurance premiums, but continued to deduct health insurance premiums from my earnings. On June 13, 2016, a trouble ticket was generated, informing my employer of the oversight. From January 10, 2016 to August 6, 2016, (pay periods 1-15) my employer deducted at total of \$1,154 for health insurance premiums. I asked my employer to stop deducting health insurance premiums and to reimburse my for the unauthorized deductions, but I've had no success. My employer continues to make me pay for health insurance I don't need and doesn't seem to know how to resolve this issue. Any assistance in this matter would be greatly appreciated. Thank you.

Sincerely,

(b) (6), (b) (7)(C)

August 12, 2016

Print Name

Date

DEC 21 2015



**U.S. Customs and  
Border Protection**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This letter is in response to your November 6, 2015, correspondence on behalf of your constituent, (b) (6), (b) (7)(C). In your correspondence, you requested that we respond to (b) (6), (b) (7)(C) concerns regarding a pending personnel matter and U.S. Customs and Border Protection's (CBP) administrative leave policy.

Administrative leave is an authorized absence from duty without loss of pay or charge against leave. While there is no generally applicable statutory or regulatory framework authorizing administrative leave for federal employees, it is CBP policy that an employee may be granted administrative leave and excused from duty when the absence is not specifically prohibited by law, is brief, and is determined to be in the interest of the agency. In accordance with policy, CBP, at its discretion, may temporarily place an employee on administrative leave until it is determined that administrative leave is no longer appropriate.

CBP is still in the process of reviewing this matter. Therefore, I am unable to provide any additional information in response to your inquiry at this time. If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Yeager".

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs





U.S. Customs and  
Border Protection

JAN 22 2015

Commissioner

MEMORANDUM FOR: See Distribution

FROM: R. Gil Kerlikowske  
Commissioner

SUBJECT: Administrative Leave

In reviewing the use of administrative leave, sometimes referred to as excused absence, we have found problems regarding authorization and the use of the codes that accurately depict the reason for the absence. To address this, I have directed the Office of Human Resources Management (HRM) to create a policy on the use and approval of administrative leave. While this policy is being formulated, there are several interim measures that are effective on January 26, 2015.

A supervisor must have the concurrence of both second- and third-level supervision/management in order to authorize administrative leave in the following circumstances:

- 1) Management awareness of misconduct allegations or pending investigations; or
- 2) Situations in which a supervisor believes an employee cannot safely and effectively perform his or her duties (medical conditions are impacting the employee's abilities; employee's behavior creates concerns of safety or possible disruption of Agency mission).

In addition, HRM must be notified of the use and authorization of this category of administrative leave at the time or as soon as practicable. This will allow HRM to track and coordinate administrative leave under these circumstances. Additional guidance will be forthcoming within the next few days from the Labor and Employee Relations Directorate regarding this process.

HRM will also track current employees who have been on administrative leave for longer than six months. HRM will be contacting you and your staff to obtain information about personnel in this status. Once completed, this report will be disseminated on a quarterly basis so that we can establish a consistent review process.



(b) (6), (b) (7)(C)

U.S. Customs and Border Protection

June 22, 2015

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

This letter is to inform you that effective immediately, I am temporarily placing you on administrative leave and relieving you of your credentials and all keys and badges utilized to access U.S. Customs and Border Protection (CBP) facilities. I am taking this action due to the final results of your fitness for duty examination.

While on administrative leave, you are not to report to the (b) (6), (b) (7)(C) or any other CBP facility until further notice. Any request to report to the (b) (6), (b) (7)(C) Office must be made in advance to me. However, you need to be ready and willing to come to work upon request, and you must request leave as if in a full duty status. You must also keep me informed of your whereabouts during normal business hours (8:00 a.m. to 4:00 p.m.). While in this non-duty status, you should be available to report to the (b) (6), (b) (7)(C) within three (3) hours of notification should you be directed to do so.

Sincerely,

(b) (6), (b) (7)(C)

RECEIPT ACKNOWLEDGED:

(b) (6), (b) (7)(C)

Signature

Date

6/22/15

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)





**U.S. Customs and  
Border Protection**

**OCT 27 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 E Broadway Boulevard, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your September 27, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C), regarding the withdrawal of his conditional offers of employment with U.S. Customs and Border Protection (CBP) as a Border Patrol Agent (BPA) and as a Customs and Border Protection Officer (CBPO).

As (b) (6), (b) (7)(C) noted, he was administered an initial polygraph examination on January 5, 2015, which returned an unfavorable result. Following a management review, it was determined that additional testing was warranted. A second examination was conducted on April 25, 2016, which returned a "no significant response" (NSR) result. An NSR result is documented as a "pass." Any relevant admissions made by the subject during the examination are documented in the polygraph examination report and made available to the adjudicator as part of the background investigation for review during the adjudication of the subject's suitability for employment.

During the initial polygraph examination in 2015, (b) (6), (b) (7)(C) admitted to a limited use of illegal drugs during the preceding eight years. He also admitted to deliberately falsifying information regarding this illegal drug use when he enlisted in the Army National Guard in 2009 (when the drug use would have been as recent as the prior year). During the subsequent examination, (b) (6), (b) (7)(C) more than doubled his admission of illegal drug use. (b) (6), (b) (7)(C) also admitted to a variety of other "minor" criminal activity in 2006-2008 which, when considered individually, may have been mitigated based on his age; however, collectively they present a person of character that is inconsistent with the character of a CBP law enforcement officer. A copy of the two polygraph examination reports containing these admissions may have been provided to (b) (6), (b) (7)(C) in response to his prior information request. If not, he may contact (b) (6), (b) (7)(C) of our Office of Professional Responsibility, Personnel Security Division, at (b) (6), (b) (7)(C) to request copies.

The Honorable Martha McSally

Page 2

For the above stated reasons, (b) (6), (b) (7)(C) was determined unsuitable for employment with CBP as either a BPA or CBPO, and his conditional offers of employment were rescinded. Our decision in this matter is final.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Yeager", with a large circular flourish at the end.

Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs



**U.S. Customs and  
Border Protection**

**MAR 17 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Boulevard, Suite 510  
Tucson, AZ 85711

Dear Representative McSally,

This letter is in response to your February 2, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C), regarding the status of his pre-employment polygraph examination with U.S. Customs and Border Protection (CBP).

CBP is strongly committed to hiring Veterans for positions throughout the agency. As of the end of Fiscal Year 2015, 28.83% of CBP employees are Veterans, including 30.76% of all new hires, Agency wide. These statistics demonstrate our resolute commitment to hiring Veterans to fill critical positions throughout the workforce.

Federal law requires polygraph screening for all applicants to positions as law enforcement officers at CBP, regardless of Veterans status. The U.S. Office of Personnel Management provides annual authorization to CBP's Office of Professional Responsibility (OPR) to conduct applicant screening polygraph examinations for CBP law enforcement officer positions. The examination administered to CBP applicants is approved by the National Center for Credibility Assessment. CBP OPR administers polygraph examinations in full compliance with all applicable federal polygraph policies and procedures.

On January 5, 2015, (b) (6), (b) (7)(C) did not successfully complete the polygraph test. However, after being contacted by your office, an in depth review of this case was performed by Quality Control. Although Quality Control determined the polygraph test was professionally conducted, information developed during the test warranted further investigation. Therefore, additional polygraph testing is authorized for (b) (6), (b) (7)(C)

CBP remains committed to maintaining the highest standards in polygraph testing and will continue to work with Congress, the Department of Defense, and other relevant agencies to maximize opportunity for Veterans.

The Honorable Martha McSally  
Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Yeager", with a stylized flourish extending from the end.

Michael Yeager  
Assistant Commissioner  
Office of Congressional Affairs



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN  
SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-180  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: \_\_\_ No ☒ Who? \_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_

(For OPM) Civil Service Claim Number: \_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_

Branch of service: \_\_\_ Military Rank: \_\_\_ Dates of service: \_\_\_ - \_\_\_

SIGNATURE: (b) (6), (b) (7)(C) Date: 2/1/2016

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

I'm requesting an investigation of the unprofessional hiring practices of the Customs and

Border Protection internal affairs office located at (b) (7)(E) AZ

(b) (7)(E) While applying to become a Customs and Border Protection Officer I was required  
to take a polygraph examination. I had two appointments at the (b) (7)(E) location with  
Special Agent (b) (6), (b) (7)(C) and both times he was unprofessional in the way he conducted  
the examination. By the time the appointments were over he had bragged about how much  
much money he makes, accused me of reading Cold War era KGB anti-American polygraph  
manuals, of visiting anti-polygraph websites, insinuated I had a long history of drug use  
simply because I'm in the military. He even told me there was something wrong with me just  
because I was thinking in between the polygraph questions. I believe at the very least  
this particular internal affairs office and all of it's polygraph examiners need to be investigated.

Sincerely,

(b) (6), (b) (7)(C)

2/1/2016

Print Name

Date



U.S. Customs and  
Border Protection

SEP 08 2016

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Blvd, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your July 12, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) regarding the status of his pre-employment polygraph examination with U.S. Customs and Border Protection (CBP).

CBP is strongly committed to hiring Veterans for positions throughout the agency. As of the end of Fiscal Year 2015, 28.83 percent of CBP employees are veterans including 30.76 percent of all new hires, agency wide. These statistics demonstrate our resolute commitment to hiring veterans to fill critical positions throughout the workforce.

Federal law requires polygraph screening for all applicants to positions as law enforcement officers at CBP. The U.S. Office of Personnel Management provides annual authorization to CBP's Office of Professional Responsibility (OPR) to conduct applicant screening polygraph examinations for CBP law enforcement officer positions. The examination administered to CBP applicants is approved by the National Center for Credibility Assessment. CBP OPR administers polygraph examinations in full compliance with all applicable federal polygraph policies and procedures.

On April 21, 2016, (b) (6), (b) (7)(C) did not successfully complete the polygraph test. On May 9, 2016, OPR Credibility Assessment Division received (b) (6), (b) (7)(C) email request for an appeal of the polygraph results. On May 11, 2016, CBP OPR replied to this email request by informing (b) (6), (b) (7)(C) of the following: An independent quality control review of the test was performed, and the quality control review supported the results rendered by the field examiner and confirmed the polygraph test was administered in accordance with all policies and procedures. Under these circumstances, no further polygraph testing is authorized. A record of this correspondence is maintained by OPR.

After receipt of (b) (6), (b) (7)(C) request, an audio review of the polygraph test was completed. This review failed to substantiate any claims by (b) (6), (b) (7)(C) that allege unprofessional conduct on behalf of the examiner. The audio review documented that (b) (6), (b) (7)(C) verbally affirmed that he received fair and professional treatment from the



The Honorable Martha McSally

Page 2

examiner at the conclusion of the test. The audio review noted that (b) (6), (b) (7)(C) also verbally agreed to further testing with this same examiner, if such testing were to be authorized in the future. These particular affirmations of ethical treatment comport with the overall professional character of the examination. The results of the audio review contrast with the allegations by (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was offered the opportunity to explain his physiological sensitivity to the test questions, after failing his polygraph test.

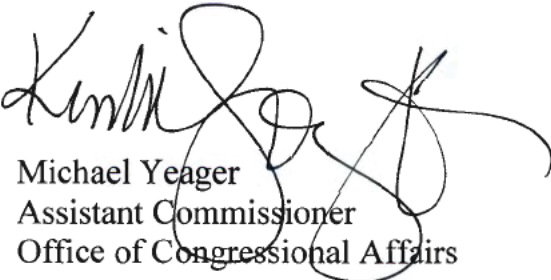
If (b) (6), (b) (7)(C) has any further questions regarding CBP polygraphs, he may address them directly at (b) (7)(E)

If (b) (6), (b) (7)(C) would like your office to receive additional details, including any relevant admissions or other information used to make this determination please provide a signed privacy release which explicitly states: "I authorize Customs and Border Protection to release the results of my polygraph examination and background investigation, including all relevant admissions and other factors used to make a suitability determination to the office of Congresswoman McSally."

CBP remains committed to hiring veterans and will continue to work with Congress, the Department of Defense, and other relevant agencies to maximize opportunity for this valued population.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael Yeager  
Assistant Commissioner  
Office of Congressional Affairs



(b) (6), (b) (7)(C)

**From:** CBPEXECSEC  
**Sent:** Thursday, July 28, 2016 3:06 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 07-12-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.07.12.16.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b) (6), (b) (7)(C) Please assign to OPR for OCA signature. Thank you.

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Monday, July 18, 2016 12:38 PM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 07-12-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)  
Office of Congressional Affairs, U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)  
Washington, D.C. 20229  
(b) (6), (b) (7)(C) office)  
Blackberry)  
fax)  
(b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)  
**Sent:** Tuesday, July 12, 2016 7:35 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** Inquiry (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) contacted our office regarding his polygraph examination. (b) (6), (b) (7)(C) states that he "failed" the exam he sent an appeal letter to internal affairs for CBP, to which he never received a response. (b) (6), (b) (7)(C) would like to continue to know the status of his appeal since he still wishes to pursue employment with CBP. Any assistance you can provide on behalf of (b) (6), (b) (7)(C) would be greatly appreciated.

Sincerely,



Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588

(b) (6)



[Sign up for our e-newsletter](#)

---

## Congresswoman Martha McSally

Date of Birth:

(b) (6), (b) (7)(C)

Social Security Number:

(b) (6), (b) (7)(C)

### Information from Step one:

Name: (b) (6), (b) (7)(C)

Agency Involved: Customs and Border Protection

Tax Years in Question (if applicable):

Agency Case Number(s) (VA claim, Alien number, tax ID, etc.): None

Name: (b) (6), (b) (7)(C)

Branch of Service (If Applicable): Air Force Reserves

Military Rank (If Applicable): SrA

Street Address: (b) (6), (b) (7)(C)

City, State, Zip Code: (b) (6), (b) (7)(C)

Telephone #: (b) (6), (b) (7)(C)

Email Address: (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) authorize the Customs and Border Protection to release personal information to Congresswoman Martha McSally United States Representative. I authorize Congresswoman Martha McSally to request and have access to all records and reports pertinent to my request for his assistance in the following matter:

(b) (6), (b) (7)(C), (b) (7)(E)



Nature of Problem: Hello, My name is (b) (6), (b) (7)(C) and back in October of 2015, I applied for the position of Customs and Border Protection Officer. Upon completion of the application process, I was found suitable, based on my resume, to continue with the hiring process. I completed the entrance examination with a 98%. I performed very well on the video based and structured interview. I also performed very well on the medical and physical portion of the hiring process. In every area, I was exemplary. The last step before being offered a position with Customs and Border Protection is the polygraph examination. I failed the polygraph and was refused a retest. It was a heartbreaking experience. I do not believe the polygraph examination was conducted appropriately. At points, when I was answering questions honestly during the pretest, I was told by the examiner that these were not good answers and that CBP did not like those kinds of answers. I was baffled. Furthermore, I was accused of cheating on the test. I informed my examiner that I had done no such thing and asked him what he thought I was doing to cheat? He responded with, "I know what you're doing, but you need to tell me what you did." I was then interrogated for approximately 90 minutes and was treated in a manner that, I believe, was unprofessional. I am not a criminal. Ma'am, like you, I am an American Airman. I served four years active duty from (b) (6), (b) (7)(C) I was discharged honorably. I recently returned to service in the Air Force Reserves just last year. I have maintained a SECRET clearance with the DOD since I was 19. I am 30 now. I have worked for the Air Force as a civilian, and I currently work for the Department of State as a (b) (6), (b) (7)(C) I have performed well enough to be promoted to Sergeant and I am in charge of 26 Officers on my post. I maintain a SECRET clearance with DOS. I have never been found to be untrustworthy and have maintained both clearances to this day. I am in charge of an entire facility that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Furthermore, I am an associate pastor here in (b) (6), (b) (7)(C) My time is all volunteer and I have never been paid. I have never had my integrity questioned and destroyed like I have experienced with Customs and Border Protection. To be called a liar and a cheat when I have done no such thing is infuriating. I have served my country honorably and I continue to serve my community, and nation, to this day. I would like the opportunity to continue serving. I believed that being an honest person would be enough to pass a polygraph examination. I was wrong. After I was notified of my failure of the polygraph examination, I sent an appeal letter to Internal Affairs for CBP. I never received an answer, let alone a confirmation that my email had even been received. Even after all this was done, I still decided to reapply for Customs and Border Protection. After applying again, I received an email that I could not apply for any CBP job due to my failed polygraph examination. I was also told that I would have to wait three years. This is outrageous. Congresswoman McSally, I am seeking your assistance. I was found suitable in every area except one; and that area has been found, by multiple studies, to be inefficient at best. The conduct of my examiner was inappropriate and unfair. I still desire to pursue a career with Customs and Border Protection. I ask for your help. At the very least, I would like to be retested on the polygraph examination. I know that I can be an asset to Customs and Border Protection, and it is still my desire to continually serve my country. I have written a detailed letter describing my polygraph examination. I am more than willing to forward it to you if you should request to read it. I thank you for your consideration and any help you are willing to offer. V/R, (b) (6), (b) (7)(C)

**PLEASE NOTE:**

The Privacy Act of 1974 requires that Members of Congress or their staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry.

Signature

(b) (6), (b) (7)(C)

Date:

**(b) (6), (b) (7)(C), (b) (7)(E)**





**U.S. Customs and  
Border Protection**

**MAR 23 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your February 1, 2017 correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding the seizure by U.S. Customs and Border Protection (CBP) of her (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (Vehicle Identification Number (b) (6), (b) (7)(C) under case number (b) (6), (b) (7)(C) claims that she loaned the vehicle to a friend who is wrongly being charged for illegal activity.

On January 22, 2017, CBP seized the vehicle from (b) (6), (b) (7)(C) under the provisions of Section 274(b) of the Immigration and Nationality Act (INA), Title 8, United States Code (U.S.C.), Section 1324(b), which provides that any property which has been used in violation or is being used in violation of Section 274(a) of the INA and 8 U.S.C. § 1324(a) shall be seized and is subject to forfeiture, because the vehicle was used to transport and/or smuggle an undocumented alien in the United States. On February 14, 2017, the CBP Fines, Penalties and Forfeitures (FP&F) located in (b) (6), (b) (7)(C) Arizona issued a Notice of Seizure to the registered owner, (b) (6), (b) (7)(C).

On January 30, 2017, the (b) (6), (b) (7)(C) FP&F office received the original petition from (b) (6), (b) (7)(C) requesting remission of the seized vehicle. Upon review of the case file, the FP&F office issued a decision letter on February 24, 2017 to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to remit the vehicle to her upon payment of all cost of seizure, including storage charges totaling \$978 and the execution of the Hold Harmless Agreement. As of March 17, 2017, (b) (6), (b) (7)(C) has not responded to the FP&F original petition decision letter.

(b) (6), (b) (7)(C) may contact the (b) (6), (b) (7)(C) FP&F office to discuss the waiver of the storage charges and the release of the vehicle by calling (b) (6), (b) (7)(C), (b) (7)(E) or by U.S. mail at the following address:

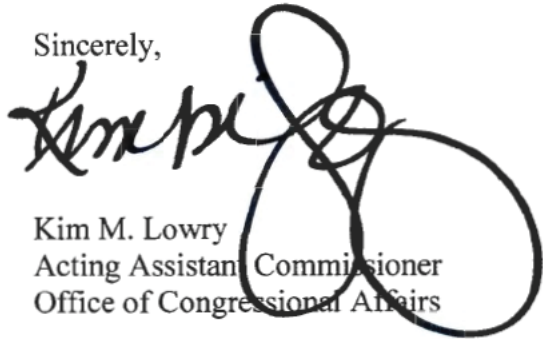
U.S. Customs and Border Protection  
Attn: Fines, Penalties and Forfeitures  
(b) (6), (b) (7)(C), (b) (7)(E)

Please reference case number (b) (6), (b) (7)(C) in any communication with CBP.

The Honorable Martha McSally  
Page 2

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

A handwritten signature in black ink, appearing to read "Kim M. Lowry", with a large, stylized circular flourish extending from the end of the signature.

Kim M. Lowry  
Acting Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Wednesday, February 1, 2017 1:34 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) CBP.PAC.01.31.17.pdf (b) (6), (b) (7)(C) CBP.LTR.01.31.17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hey (b) (6), (b) (7)(C)

I believe this would go to USBP since it occurred at a Border. However, you might want to confirm that. If so please assign and reply back with ID number.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Wednesday, February 01, 2017 2:08 PM  
**To:** CBPEXECSEC (b) (7)(E) (b) (6), (b) (7)(C)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) (Blackberry) (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, February 1, 2017 1:55 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** RE: Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Please send this for an official response from OFO/FP&F.

Thanks,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY

**Sent:** Wednesday, February 1, 2017 1:02 PM

**To:** (b) (6), (b) (7)(C)

**Cc:** OCAINQUIRY (b) (7)(E)

**Subject:** Incoming Correspondence: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Please review the attached incoming. Let me know when I can log as closed. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) (Blackberry) (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** Montano, Rosa (b) (6)

**Sent:** Wednesday, February 1, 2017 12:30 PM

**To:** OCAINQUIRY (b) (7)(E)

**Subject:** Inquiry (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) contacted our office in regards to an incident that occurred, case number (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) states that she lent her car to a friend not knowing that he was going to transport a person from Mexico who did not have legal status (b) (6), (b) (7)(C) states that not having her car has created a hardship, as she is 85 years old and handicapped. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is respectfully requesting that her vehicle be returned to her as she states that there was not enough evidence to charge the person who was driving her vehicle. Any assistance you can provide on behalf of (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) would be greatly appreciated.

Respectfully,

Rosa Montaño, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588



[Sign up for our e-newsletter](#)



Fines and Penalties.

Case # (b) (6), (b) (7)(C)

A # N - (b) (6), (b) (7)(C)

paralegal, in charge

(b) (6), (b) (7)(C)

My name is (b) (6), (b) (7)(C)  
I am 85 yrs. old, a handicapped  
widow, trying to be self  
reliant. My car has been  
impounded and being without  
it is laying a real hardship  
on me,

I loaned my car to a friend  
(mistake) not knowing he was  
going to transport a young  
lady from Mexico to her  
family here in (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(friend) checked her papers  
they appeared to be in order,  
however on reaching De Conseria  
check point immigration  
identified papers not valid

At that time, my car was impounded. The next morning my friend was released as there was insufficient evidence to prosecute him, however they kept my car.

I must have my car to go to drs., grocs, shops etc. I am innocent as I had no idea my car would be used for this purpose. I am told my car would be held for 30-60 days. What am I to do?

I am the victim in this and the one and only victim is me. Please return my car immediately.

I will never loan my car to anyone ever again.

Thank You Sincerely

(b) (6), (b) (7)(C)

FAX # (b) (6), (b) (7)(C)

Case No. (b) (6), (b) (7)(C)

Fines and Penalties

Lic. # (b) (6), (b) (7)(C)

From (b) (6), (b) (7)(C)

McSally office - Rosa  
9 - 5:00

MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.)

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

City, State:

(b) (6), (b) (7)(C)

Zip:

(b) (6), (b) (7)(C)

\* Phone Number

(b) (6), (b) (7)(C)

E-mail Address:

(b) (6), (b) (7)(C)

Federal Agency Involved:

Customs

Social Security Number

(b) (6), (b) (7)(C)

Date and Place of Birth:

(b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: \_\_\_ No ☒ Who? \_\_\_

(For USCIS) Immigration Case Number / A#: \_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_

(For OPM) Civil Service Claim Number: \_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_

Branch of service

(b) (6), (b) (7)(C)

Military Rank: \_\_\_

Dates of service: \_\_\_

SIGNATURE: \_\_\_

(b) (6), (b) (7)(C)

Date:

4/31/17

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



MARTHA MCSALLY  
2ND DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY  
CHAIRMAN  
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,  
RESPONSE, AND COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



UNITED STATES  
HOUSE OF REPRESENTATIVES

April 16, 2015

(b) (7)(E)  
1029 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

4400 E BROADWAY BOULEVARD  
SUITE 510  
TUCSON, AZ 85711  
(520) 881-3588

77 CALLE PORTAL  
SUITE B160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

MCSSALLY.HOUSE.GOV

The Honorable R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Dear Commissioner Kerlikowske:

In July 2014, Customs and Border Patrol (CBP) agents discovered roughly sixty feet of rebar-reinforced fencing east of Nogales, Arizona, that had been damaged due to heavy flooding. I fully understand that damages to tactical infrastructure along the southern border occur frequently and that routine as well as rapid maintenance is commonplace. In regards to fencing, maintenance and repairs must be carried out in a manner that preserves the integrity of the barriers in order to protect our national security and deter the trafficking of drugs, money, people, and weapons through the border and into our communities. Additionally, as public servants, we must remain good stewards of the American people's taxpayer dollars.

Unfortunately, reports surrounding the cleanup and repair of the fencing outside of Nogales indicate that it took approximately five months and cost \$730,000 to complete the repairs. Given the limited availability of funding and the need for new, more effective technologies along our southern border, I find the cost of the repairs to be of great concern. Please respond to the following questions by May 14, 2015:

- What process was used to award the repair contract?
- Where there any alternative options considered?
- Why was the repair so costly?
- What prevention methods to minimize damage were in place and were they executed properly?
- Why did it take until December to complete the repair project?
- What security measures were in place to ensure that no illegal crossings were made through this vulnerability?

Thank you for your consideration of this request and I look forward to your response.

Sincerely,

Martha McSally  
Member of Congress



**U.S. Customs and  
Border Protection**

**FEB 23 2017**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This is in response to your February 1, 2017 correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding his request for U.S. Customs and Border Protection (CBP) to provide him with retired law enforcement officer credentials.

CBP's Office of Professional Responsibility (OPR), Security Management Division (SMD) contacted (b) (6), (b) (7)(C) requesting additional information concerning his retirement, in order to properly assess (b) (6), (b) (7)(C) request. (b) (6), (b) (7)(C) may direct any further questions or concerns to CBP's OPR/SMD.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,

Kim M. Lowry  
Acting Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Wednesday, February 1, 2017 3:06 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Executive Order Incoming: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) OPM.DOCS.02.01.2017.pdf; (b) (6), (b) (7)(C) OPM.PAC.02.01.2017.pdf; (b) (6), (b) (7)(C) OPM.DOCS.PART2.02.01.2017.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi (b) (6), (b) (7)(C)  
Could you please assign to HRM for OCA response.  
Thank you,

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Wednesday, February 01, 2017 3:43 PM  
**To:** CBPEXECSEC (b) (7)(E) <cbp.dhs.gov>  
**Cc:** OCAINQUIRY (b) (7)(E) <@cbp.dhs.gov>  
**Subject:** Executive Order Incoming: 02-01-2017 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Please reply with the folder ID to confirm receipt. Thank you.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection

(b) (6), (b) (7)(C) Washington, D.C. 20229

(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) (Blackberry) | (b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

---

**From:** De Young, Fiona (b) (6) <@mail.house.gov>  
**Sent:** Wednesday, February 1, 2017 3:33 PM  
**To:** OCAINQUIRY (b) (7)(E) <@cbp.dhs.gov>  
**Subject:** Congressional Inquiry: (b) (6), (b) (7)(C)  
**Importance:** High

Dear Congressional Liaison,

I am writing on behalf of Rep. Martha McSally's constituent (b) (6), (b) (7)(C) who states that he requires immediate assistance obtaining records from his former employer, Customs and Border Protection. (b) (6), (b) (7)(C) states that he has been working with his local CBP District Office in Tucson to obtain required documents for a LEOSA Permit, but thus far has been unable to obtain Retired Credentials, specifically Retired Law Enforcement Officer Credentials. He respectfully requests this documentation, along with any additional documentation that provides evidence and/or a summary of his

tenure at Customs and Border Protection. Any assistance you can provide (b) (6), (b) (7)(C) would be greatly appreciated. His Privacy Act Consent Form, along with additional documents he furnished are attached.

Sincerely,



Fiona de Young  
Constituent Services/ Community Outreach Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ, 85635  
Office Phone: 520-459-3115  
Fax: 520-459-5419

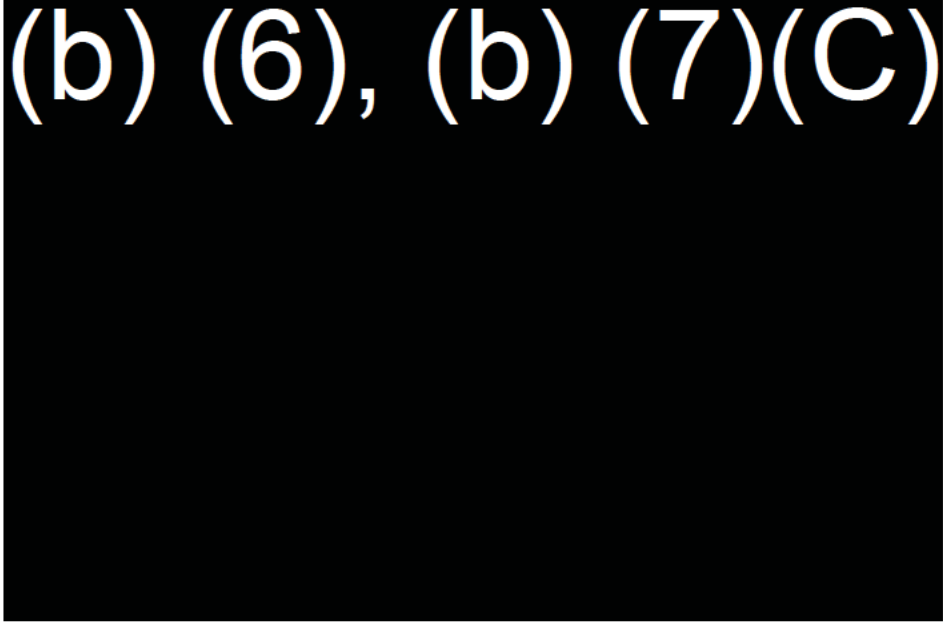
(b) (6) @mail.house.gov



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(b) (6), (b) (7)(C)





U.S. Customs and Border Protection  
Office of Human Resources Management  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

(b) (6), (b) (7)(C)

|||||

Dear (b) (6), (b) (7)(C)

I am pleased to announce that U.S. Customs and Border Protection (CBP) is expanding the use of Employee Self-Service by implementing the electronic Official Personnel Folder system (eOPF). The eOPF is an electronic version of your Official Personnel Folder and contains all the official records required to document your Federal career. You will be able to access your eOPF folder at any time through a secure connection from any computer connected to the Internet. The eOPF is being implemented in phases from February to April 2007. When the implementation is complete, eOPF will automatically notify you, at the e-mail address of your choosing, whenever a new document is added to your folder. Please note that the e-mail notification feature will start in May 2007, and you must have an e-mail address on file in order to receive e-mail notifications. Follow the directions below to add, verify, or update the e-mail address in your eOPF.

To access your eOPF folder, you will need to go to the eOPF Web site and log onto eOPF using a unique User ID and password. The Web site address and your eOPF User ID are provided below. The documents in your eOPF are in Portable Document Format (PDF), an open file format created by Adobe Systems®. You will need Adobe® Reader® in order to open these files. If you do not have Adobe® Reader® on your home computer, visit <http://www.adobe.com> to download a free copy.

Your eOPF Web site address: <https://eopf.nbc.gov/dhs/>

Your eOPF User ID: (b) (6), (b) (7)(C)

Your eOPF Password: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

We hope you find access to your official personnel records through eOPF both helpful and rewarding, and we look forward to your feedback. If you have difficulty logging on or have any questions or concerns please contact the eOPF Help Desk at (b) (7)(E)

(b) (6), (b) (7)(C)

Robert Hosenfeld  
Assistant Commissioner

**Instructions for Accessing Electronic Official Personnel Folder**

(b) (7)(E)

**Password Requirements**

(b) (7)(E)

(b) (7)(E)

**Instructions for Updating Your E-Mail Address**

(b) (7)(E)

MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



Congress of the United States  
House of Representatives  
Washington, DC 20515

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 981-3588

COCHISE COUNTY OFFICE:  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3118

Privacy Act Consent Form

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes: No Who? \_\_\_\_\_  
(For USCIS) Immigration Case Number / A#: \_\_\_\_\_  
(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_  
(For OPM) Civil Service Claim Number: \_\_\_\_\_  
(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_  
Branch of service: USMC/USA Military Rank: CPT Dates of service: DEC 69 - April 96  
SIGNATURE: (b) (6), (b) (7)(C) Date: 1 FEB 17

\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\*

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322-9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459-3419



Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

I AM HAVING DIFFICULTY OBTAINING MY RETIRED  
CBP OFFICER FROM HQ CBP.

Sincerely,

(b) (6), (b) (7)(C)

Print Name

Date

1 FEB 2017



**U.S. Customs and  
Border Protection**

**SEP 25 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635

Dear Representative McSally:

This letter is in response to your August 28, 2015, correspondence on behalf of your constituent and U.S. Customs and Border Protection (CBP) employee, (b) (6), (b) (7)(C). In your correspondence, you requested that we address (b) (6), (b) (7)(C) concerns regarding his ongoing problem with a supervisor in CBP's Office of Information and Technology. (b) (6), (b) (7)(C) specifically mentions that he has exhausted all other means available to him, and he continues to experience harassment, discrimination, and retaliatory behavior that creates a hostile working environment for all employees.

There are many available third party options for redress regarding (b) (6), (b) (7)(C) concerns, and we found that (b) (6), (b) (7)(C) has not yet taken advantage of them or filed any informal or formal complaints regarding his alleged issues. Management will refer (b) (6), (b) (7)(C) to the Employee Assistance Program and notify him of his redress options.

If we may offer further assistance, please do not hesitate to contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Tuesday, September 1, 2015 9:07 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: Incoming Correspondence: Congressional Inquiry: (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) DHS.08.13.15.pdf

(b) (6), (b) (7)(C)

Please assign to IA. Thank you.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Monday, August 31, 2015 2:44 PM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY  
**Subject:** Incoming Correspondence: Congressional Inquiry: (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)

---

**From:** Giesecke, Cynthia (b) (6)  
**Sent:** Friday, August 28, 2015 12:36 PM  
**To:** OCAINQUIRY  
**Subject:** Congressional Inquiry: (b) (6), (b) (7)(C)

Sir or Madam:

Our constituent, (b) (6), (b) (7)(C) visited our office and has brought to our attention a situation with an ongoing problem from a supervisor at CBP OIT. He and a few others have exhausted all other means available to them and continue to experience harassment, discrimination and retaliatory behavior making it a hostile working environment for all employees.

We hope that you can offer some assistance or information that will benefit on behalf of our constituent, (b) (6), (b) (7)(C). Attached you will find his privacy act consent form and statement. Thank you for your time and assistance on this matter brought to you.

V/R,



Cynthia Fierro Giesecke  
Constituent Services & Community Outreach Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal  
Suite B-160  
Sierra Vista, AZ 85635  
Office Phone: (520) 459-3115  
Office Hours: M-F 9 a.m.- 5 p.m.

(b) (6)

**CONFIDENTIALITY:** This email and any attachments are confidential and may contain personal information. Any unauthorized review, use or distribution is prohibited. If you are not the named recipient, please notify the sender immediately and do not disclose the contents to another person, use it for any purpose, or store or copy the information in any medium. Thank you.



MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-5588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: DHS-OIT Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes:      No X Who?     

(For USCIS) Immigration Case Number / A#:     

(For IRS) Tax Return Year (s) in Question:     

(For OPM) Civil Service Claim Number:     

(For VA/Military) Veterans Affairs Claim Number:     

Branch of service:      Military Rank:      Dates of service:      -     

SIGNATURE: (b) (6), (b) (7)(C) Date: 8/13/2015

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

**Please return completed form to:**

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

**Or**

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

We have had an ongoing problem with a CBP OIT supervisor (b) (6), (b) (7)(C) for 9 years.

Attempts to get the discriminatory, harassing, and retaliatory behaviour to stop have failed on all points.

We have tried through our management chain, and our union to no avail. Even with constant complaints from our customer (Border Patrol) our management will still not "do anything" about this supervisor.

It's gotten to the point where I was written up and suspended by this supervisor simply because he "states" he gave me an order that was never given. This in turn has the other employees in fear of reprisal for "anything." We have had people quit, and others including myself are under constant harassment from this supervisor. I didn't know where else to turn since we have exhausted all other means to try to get this situation fixed. Any help that you can give to bring this problem to light will be greatly appreciated.

Sincerely (b) (6), (b) (7)(C)

Sincerely,

Print Name

Date



**U.S. Customs and  
Border Protection**

**OCT 08 2015**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your September 1, 2015, letter on behalf of your constituent, (b) (6), (b) (7)(C) regarding his inquiry to U. S. Customs and Border Protection (CBP) concerning nonpayment for background investigation services performed under a sub-contract (b) (6), (b) (7)(C) has with (b) (6), (b) (7)(C) also claims that (b) (6), (b) (7)(C) accounting department has not responded to his inquiries concerning payment due to him.

CBP has a valid contract with (b) (6), (b) (7)(C) but does not have a contract with (b) (6), (b) (7)(C). A review of CBP records indicates that the payments to (b) (6), (b) (7)(C) are current. CBP cannot issue a payment to (b) (6), (b) (7)(C) because he is not the prime contractor. CBP's Contracting Officer with (b) (6), (b) (7)(C) has been informed of the situation and will provide a copy of this letter to (b) (6), (b) (7)(C) for their information.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

---

**From:** CBPEXECSEC  
**Sent:** Tuesday, September 8, 2015 10:01 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: Congressional Inquiry: (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C).pdf

(b) (6), (b) (7)(C)

Please assign to OA. Thank you.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Tuesday, September 08, 2015 10:23 AM  
**To:** CBPEXECSEC  
**Cc:** OCAINQUIRY; (b) (6), (b) (7)(C)  
**Subject:** FW: Congressional Inquiry: (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, September 08, 2015 10:22 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** OCAINQUIRY  
**Subject:** RE: Congressional Inquiry: (b) (6), (b) (7)(C)

You can send this down

(b) (6), (b) (7)(C)

U.S. Customs and Border Protection  
Office of Congressional Affairs

(b) (6), (b) (7)(C)



---

**From:** (b) (6), (b) (7)(C) **On Behalf Of** OCAINQUIRY  
**Sent:** Tuesday, September 08, 2015 10:18 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** OCAINQUIRY  
**Subject:** FW: Congressional Inquiry: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Please review the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)

---

**From:** Giesecke, Cynthia (b) (6)  
**Sent:** Friday, September 04, 2015 3:47 PM  
**To:** OCAINQUIRY  
**Subject:** Congressional Inquiry: (b) (6), (b) (7)(C)

Sir or Madam:

Our constituent, (b) (6), (b) (7)(C), visited our office for some assistance on a matter pertaining to payment for his services. The Customs & Border Patrol has a government contract with (b) (6), (b) (7)(C) has finalized several investigative cases (e.g. documentation attached above) since July 2015. He has sent multiple messages through their accounting department and has not received a response from them.

Attached you will find (b) (6), (b) (7)(C) privacy act consent form and supporting documentation on this matter. We respectfully ask for any information or assistance that your agency can provide on behalf of our constituent, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) If you require further information, you can contact me at the information below.

Yours in Service,



Cynthia Fierro Giesecke  
Constituent Services & Community Outreach Representative  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
77 Calle Portal  
Suite B-160  
Sierra Vista, AZ 85635  
Office Phone: (520) 459-3115  
Office Hours: M-F 9 a.m.- 5 p.m.

(b) (6)

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Please provide a brief description of your problem:

Dear Congresswoman Martha McSally:

FIRST ALLOW ME TO CONGRATULATE YOU ON YOUR ELECTION. AS  
A CITIZEN AND RETIRED MILITARY OFFICER I AM GLAD MY VOTE  
COUNTED AND HOPE TO VOTE FOR YOU AGAIN.

MY NAME IS (b) (6), (b) (7)(C) I AM A RETIRED US BORDER PATROL  
FIELD OPERATIONS SUPERVISOR AND A RETIRED INFANTRY OFFICER.

I AM PRESENTLY CONDUCTING FEDERAL BACKGROUND INVESTIGATIONS  
FOR (b) (6), (b) (7)(C) UNDER CONTRACT WITH CUSTOMS AND  
BORDER PROTECTION. I AM REQUESTING YOUR ASSISTANCE IN

RESOLVING THE FOLLOWING ISSUE: I HAVE NOT RECEIVED ANY PAY  
FOR CASES COMPLETED SINCE 7/8/15 (SEE ATTACHED DOCUMENT)

I HAVE CONTACTED THE ACCOUNTING DEPARTMENT SEVERAL TIMES, THEY WILL  
NOT ANSWER MY TELEPHONE CALLS NOR MY EMAILS.

I HAVE LEFT MESSAGES TO (b) (6), (b) (7)(C) AND (b) (6), (b) (7)(C) FROM  
ACCOUNTING TRYING TO RESOLVE THIS ISSUE AT THE LOWEST LEVEL BUT I  
CONTINUED TO BE IGNORED.

YOUR ASSISTANCE WILL BE GREATLY APPRECIATED

I HOPE THAT ONE DAY I CAN SHAKE YOUR HAND AND TO

PERSONALLY THANK YOU FOR YOUR SERVICE

MY CREDENTIAL # IS (b) (6), (b) (7)(C)

Sincerely,

(b) (6), (b) (7)(C) CPT, INF, RET

9/1/15

Print Name

Date

(b) (6), (b) (7)(C), (b) (7)(E)

CONTACTED

(b) (6), (b) (7)(C)

FROM THE ACCOUNTING DEPT. TELE #

(b) (6), (b) (7)(C)

8/30, AND 9/31, LEFT MESSAGES, MESSAGES NOT RETURNED

CONTACTED

(b) (6), (b) (7)(C)

FINANCE MANAGER. TELE #

(b) (6), (b) (7)(C)

8/20, 8/24, & 8/30, LEFT MESSAGES, MESSAGES NOT RETURNED.

SENT EMAILS TO

(b) (6), (b) (7)(C)

ON

8/20, 8/31, (SEE ATTACHMENTS) NO RESPONSE

(b) (6), (b) (7)(C), (b) (7)(E)



(b) (6), (b) (7)(C), (b) (7)(E)

Folders

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



1:16 PM

To: Accounting

Dear Ma'am/Sir

My name is (b) (6), (b) (7)(C) I have been trying to make contact with someone for the accounting department to inquire about my pay, for work I submitted 7/8/15, 7/11/15, and 7/23/15 plus two other recently submitted. This is my second email to the accounting department, I have also tried to contact a (b) (6), (b) (7)(C) and a (b) (6), (b) (7)(C) but I have not received no response. I am trying to see if we can resolve this issue at our level.

Voucher	Case#	Date Submitted
(b) (6), (b) (7)(C), (b) (7)(E)	(b) (6), (b) (7)(C), (b) (7)(E)	7/8/15
		7/11/15
		7/23/15
		7/31/15

I would like to get someone of responsibility to address my question as to when I should I expect to get pay for at least the cases submitted the month of July.

Thank you in advance

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Discounts:



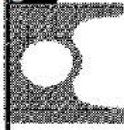
Be it 3am or 3pm, we're always up for finding you discounts up to 40% on auto insurance.

>Get A Quote

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

8/20/15

To: Accounting

Dear Ma'am/Sir

My name is

(b) (6), (b) (7)(C)

I am

asking for someone that can answer the following question. I have two

cases: Voucher (b) (6), (b) (7)(C), (b) (7)(E) APPROVED on 7/14/15

and vouche (b) (6), (b) (7)(C), (b) (7)(E) APPROVED on 7/20/15. My questions

is, How much longer is it going to take to receive my pay?

Any information regarding this issue will be greatly appreciated

Thanks

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

Capacity:	40	NSA	X	Current Zip:	(b) (6), (b) (7)(C)
Outstanding:	3	ICE	X	Rating:	3.90
Selected Leads:	0	CBP	✓	Timeliness:	100
		SEC	X	Late Leads:	0
		DHS	X		

No Leads found for Zip Code: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

MARTHA MCSALLY  
2<sup>nd</sup> DISTRICT ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



Congress of the United States  
House of Representatives  
Washington, DC 20515

WASHINGTON OFFICE:  
1030 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
1400 E. BROADWAY STE 510  
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(520) 381-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

Privacy Act Consent Form

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)  
Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C)  
Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)  
Federal Agency Involved: CBP Social Security Number: (b) (6), (b) (7)(C)  
Date and Place of Birth: (b) (6), (b) (7)(C)  
Have you contacted another congressional office? Yes:      No X Who?       
(For USCIS) Immigration Case Number / A#:       
(For IRS) Tax Return Year (s) in Question:       
(For OPM) Civil Service Claim Number:       
(For VA/Military) Veterans Affairs Claim Number:     

Branch of service:      Military Rank:      Dates of service:     

SIGNATURE (b) (6), (b) (7)(C) Date: 9/1/15

\*\*Please fill out reverse side of this form, or attach a separate sheet detailing the details of your situation along with copies of documentation pertaining to your case\*\*

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322-9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459-3419



(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, May 15, 2015 1:43 PM  
**To:** (b) (6)  
**Cc:** OCAINQUIRY (b) (7)(E)  
**Subject:** Signed Response from CBP - Rep. McSally  
**Attachments:** OC Signed McSally.pdf

Hello,

Attached please find the response to an inquiry that Rep. McSally sent to CBP. If you would like a hard-copy of the response, please let me know. Should you wish to file any future inquiries, please feel free to email them along with any relevant documents to (b) (7)(E). Thank you and please contact me with any questions.

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs, U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (office)  
(Blackberry)  
(fax)

(b) (6), (b) (7)(C)



**U.S. Customs and  
Border Protection**

Commissioner

MAY 15 2015

The Honorable Martha McSally  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McSally,

This letter is in response to your April 16, 2015 letter requesting information concerning fence repairs that U.S. Customs and Border Protection (CBP) completed as the result of significant storm water damage, in Nogales, Arizona.

On July 27, 2014, an unexpected microburst storm in Sonora, Mexico caused significant damage to border fence near Nogales, Arizona (just several miles north of Sonora, Mexico). The microburst created rapid water flow picking up over 150,000 pounds of concrete, material, and debris that collected in an established waterway leading north into the United States. The debris and strength of the water flow built up along the fence and flood gates, causing it to collapse. Specifically, 60 feet of fence was completely destroyed and an additional 150 feet was structurally damaged. The damaged Bollard fencing was located just west of the (b) (7)(E) and south of an area known as (b) (7)(E) in the urban area of Nogales, Arizona.

The responses below address your questions and concerns:

***Question: What process was used to award the repair contract?***

CBP developed the Comprehensive Tactical Infrastructure Maintenance and Repair (CTIMR) Program to execute timely and cost effective Tactical Infrastructure (TI) maintenance and repair along the southwest border. To execute this program, CBP developed an acquisition strategy and competed four Cost Plus Fixed Fee contracts covering four work areas across the southwest border. The CTIMR Program provides the oversight and flexibility needed to meet the U.S. Border Patrol's (USBP) unique TI sustainment needs, to include the ability to execute emergency repairs. This particular fence repair was executed by the CTIMR contractor in (b) (7)(E) which covers the (b) (7)(E) (b) (7)(E)

***Question: Were there any alternative options considered?***

CBP routinely considers alternative contracting options in the execution of TI maintenance and repair activities such as this. Vehicles considered include CTIMR, 8(a) and other sole source options, and the use of service providers like the US Army Corps of Engineers. However, in this instance, CBP determined use of the CTIMR contract to be the best available option.

***Question: Why was the repair so costly?***

The approximately \$730,000 in fence repair costs included the necessary expenses to clear the work area to properly execute repairs following a roughly two-month delay from adverse weather conditions which resulted in extensive erosion and sediment issues. 12 panels and 15 gates were installed, in addition to the removal of the 150,000 pounds of concrete and debris. The breakdown of the repairs is as follows:

Labor:	\$255,000
Equipment:	\$340,000
Materials:	\$62,000
<u>Project Management/Oversight</u>	<u>\$73,000</u>
<b>Total</b>	<b>\$730,000</b>

***Question: What prevention methods to minimize damage were in place and were they executed properly?***

CBP regularly removes debris along the fence as part of its routine TI maintenance and repair program, not solely in response to weather events that cause debris accumulation. Although CBP is diligent in its fence maintenance, as well as the monitoring of upcoming adverse weather, it is difficult to foresee or detect every severe storm that can produce the types of flooding and damage that occurred during this incident. However, CBP regularly coordinates responses to anticipated inclement weather to determine (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

It is also important to note that the safety of human life is CBP's utmost concern in determining when to lift storm water gates.



*Question: Why did it take until December to complete the repair project?*

Repairs were delayed as the result of more than two months of rain, which caused significant ground saturation.

*Question: What security measures were in place to ensure that no illegal crossings were made through this vulnerability?*

(b) (7)(E)

In summary, we can't forecast or anticipate weather emergencies, much like a state that experiences tornados. An immediate decision to open a storm gate is made based upon the risk to our personnel; in my mind, the fence can be repaired but not one of my agent's lives.

If we may offer further assistance, please contact Mr. Michael Yeager, Assistant Commissioner, Office of Congressional Affairs, at (b) (6), (b) (7)(C)

Sincerely,



R. Gil Kerlikowske  
Commissioner





**U.S. Customs and  
Border Protection**

**MAR 15 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway Boulevard, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This letter is in response to your February 5, 2016, correspondence on behalf of your constituent, (b) (6), (b) (7)(C) regarding his inquiry to U.S. Customs and Border Protection (CBP) concerning the status of (b) (6), (b) (7)(C) retired credentials. (b) (6), (b) (7)(C) is a former CBP officer.

Due to the need for additional information from (b) (6), (b) (7)(C) CBP's Office of Professional Responsibility (OPR), Security Management Division (SMD) is in communication with (b) (6), (b) (7)(C) regarding the request for his retired CBP credentials. Please be assured that OPR/SMD will assist (b) (6), (b) (7)(C) with the processing of his request once additional information is provided.

If (b) (6), (b) (7)(C) should have any questions or concerns, he may contact OPR/SMD by email at (b) (7)(E)

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael L. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

MARTHA MCSALLY  
2<sup>ND</sup> DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY

CHAIRMAN

SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS, RESPONSE AND  
COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

WASHINGTON OFFICE:  
1030 Longworth Building  
WASHINGTON, DC 20515  
(202) 225-2542

DISTRICT OFFICES:  
TUCSON OFFICE  
4400 E. BROADWAY STE 510  
TUCSON, AZ 85711  
(520) 881-3588

COCHISE COUNTY OFFICE  
77 CALLE PORTAL, SUITE B-160  
SIERRA VISTA, AZ 85635  
(520) 459-3115

**Privacy Act Consent Form**

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Martha McSally. I have discussed my case with Congresswoman McSally and/or her representative(s) and request that any relevant information she might require in order to assist in responding to my inquiry be provided to her in accordance within the provisions of the law.

Full Name: (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City: (b) (6), (b) (7)(C) State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: CBP/DHS Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: No ☒ Who?

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: (b) (6), (b) (7)(C)

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: Military Rank: Dates of service: -

SIGNATURE: (b) (6), (b) (7)(C) Date: 2/2/2016

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

Please return completed form to:

Congresswoman Martha McSally  
4400 E. Broadway, Ste 510  
Tucson, AZ 85711  
Fax: (520) 322.9490

Or

Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419

Please provide a brief description of your problem: LEOSA (H.R. 218)

Dear Congresswoman Martha McSally:

On (b) (6), (b) (7)(C) I retired from CBP as a CBP officer. When I retired, I turned in my badge and credentials. It was always customary that the credentials would be returned and perforated with "RETIRED" on them. Well, they were never returned. On 7/22/2004, LEOSA was signed into law. This allows Retired Law Enforcement Officers certain concealed carry exemptions. In order for me to apply for my LEOSA certification, I must either show my "RETIRED" credentials from CBP OR have, I assume, CBP issue me a "photographic identification" that meets the LEOSA standards. Since my CBP credentials were never returned and nobody from CBP, OPM nor DHS knows what I am talking about, I am writing you to see what I can do.

My service with the US Customs Service as a Customs Inspector (LEO) began on March 19, 1992 even though I retired as a CBP officer (GS11, step 3) after the change over in March 2002 when DHS was formed. I meet all requirements under 18 USC 926C as a "qualified retired LEO". If my credentials cannot be returned for whatever reason, then I need to know how and who will issue me a "photographic id" that is outlined in the LEOSA Act (HR 218). My OPM claim # is (b) (6), (b) (7)(C) to verify my dates of service.

Sincerely,

(b) (6), (b) (7)(C)

Print Name

2/2/2016

Date





**U.S. Customs and  
Border Protection**

**OCT 18 2016**

The Honorable Martha McSally  
U.S. House of Representatives  
4400 East Broadway, Suite 510  
Tucson, AZ 85711

Dear Representative McSally:

This is in response to your August 15, 2016, correspondence on behalf of your constituent, U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C) regarding the Border Patrol Agent Pay Reform Act of 2014 (BPAPRA), specifically, the accumulation of an overtime debt that occurs when Leave Without Pay (LWOP) is used for less than an entire pay period.

Under BPAPRA, all CBP Border Patrol Agents are required to work 80 hours of regular time per biweekly pay period. In addition, they are required to work zero, one, or two hours of obligated overtime per day, based on the BPAPRA pay level that they elect. BPA (b) (6), (b) (7)(C) elected and was assigned to Level 1, which requires two hours of obligated overtime per workday. Border Patrol Agents who fail to work any hours of obligated overtime for a pay period receive the same pay as if they had worked the required overtime hours; however, they also incur an overtime debt for those obligated overtime hours not worked that must be repaid with future hours of work.

BPAPRA requires that, when a Border Patrol Agent takes LWOP, all overtime hours worked in that pay period be substituted for regular hours not worked until (1) the Border Patrol Agent's regular hours have reached 80 hours of regular time for the pay period, or (2) there are no more hours of overtime to substitute for the LWOP. Any remaining overtime hours not substituted will still count toward the Border Patrol Agent's obligated overtime hours worked. There is no debt accrued for a day on which no work is performed such as a full day of leave.

As you are likely aware, any full-time federal civilian employee whose appointment is not limited to one year is entitled to military leave. CBP provides 120 hours (15 days) of such leave in accordance with applicable law. Agents who require additional time off to fulfill their military obligations may utilize annual leave and/or LWOP. A service member on an extended deployment does not incur an overtime debt for any entire pay periods in which no work is performed. However, when LWOP is used for part of a pay period in



which some work is performed, such as the example cited by Agent (b) (6), (b) (7)(C) an overtime debt may be incurred.

BPA (b) (6), (b) (7)(C) stated in his letter that he was called to active duty from February 8 to February 19, 2016, and again from March 6 to March 14, 2016. During this time, BPA (b) (6), (b) (7)(C) utilized a combination of paid and unpaid leave (military, annual, and LWOP). In accordance with 5 U.S.C. § 5550(f), the eight overtime hours that he worked were substituted for and counted toward the 80 hours of regular time. Because the eight hours of obligated overtime worked were substituted for regular time missed during LWOP, he also accrued a total of eight hours of obligated overtime debt. BPA (b) (6), (b) (7)(C) must work the remaining eight overtime hours, for which he was already paid.

A variety of options are available to agents who anticipate the need to take LWOP. If a Border Patrol Agent works irregular overtime in excess of his or her obligated overtime hours, the Border Patrol Agent is credited with BPAPRA Compensatory Time Off which can be used later to substitute for hours that would otherwise be taken as LWOP. In addition, supervisors work with employees to assist them in making up time that was incurred as an overtime debt. Agents may make it up in increments as small as 15 minutes, or they may make up their entire debt in a single day, referred to as a sixth day of overtime, depending on the number of hours required.

CBP has initiated a variety of communications and efforts to educate the workforce to ensure that agents understand the rules under BPAPRA and their impact. CBP is also actively engaged with the National Border Patrol Council, providing union representatives with training to help improve frontline agents' understanding of BPAPRA.

If you should need further assistance, please contact my office at (b) (6), (b) (7)(C)

Sincerely,



Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

(b) (6), (b) (7)(C)

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**From:** CBPEXECSEC  
**Sent:** Thursday, August 18, 2016 10:50 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** CBPEXECSEC  
**Subject:** FW: Incoming Correspondence: 08-17-2016 MCSALLY (b) (6), (b) (7)(C)  
**Attachments:** (b) (6), (b) (7)(C) PAC.8.15.16.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b) (6), (b) (7)(C) Please assign to HRM for OCA signature. Thank you.

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**From:** (b) (6), (b) (7)(C) On Behalf Of OCAINQUIRY  
**Sent:** Thursday, August 18, 2016 9:59 AM  
**To:** CBPEXECSEC (b) (7)(E)  
**Cc:** OCAINQUIRY (b) (6), (b) (7)(C)  
**Subject:** Incoming Correspondence: 08-17-2016 MCSALLY (b) (6), (b) (7)(C)

OES,

Please provide an official response to the attached incoming. Thanks!

V/R,

(b) (6), (b) (7)(C)

Office of Congressional Affairs | U.S. Customs and Border Protection  
(b) (6), (b) (7)(C) Washington, D.C. 20229  
(b) (6), (b) (7)(C) (office) (b) (6), (b) (7)(C) Blackberry (b) (6), (b) (7)(C) (fax)

(b) (6), (b) (7)(C)

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**From:** Montano, Rosa (b) (6)  
**Sent:** Wednesday, August 17, 2016 2:50 PM  
**To:** OCAINQUIRY (b) (7)(E)  
**Subject:** (b) (6), (b) (7)(C)

Dear Congressional Liaison,

(b) (6), (b) (7)(C) is a CBP agent and has contacted our office in regards to some issues he is experiencing with leave days. Attached is his letter with his concerns for your review. Any assistance you can provide on behalf of (b) (6), (b) (7)(C) would be greatly appreciated.

Sincerely,



Rosa Montañó, MSW  
Director of Constituent Services  
U.S. Rep. Martha McSally  
Arizona's 2<sup>nd</sup> Congressional District  
4400 E. Broadway Blvd Suite 510  
Tucson, AZ 85711  
Office Phone: 520-881-3588

(b) (6)



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Full Name: (Mr./Mrs./Ms.) (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C) City, State: (b) (6), (b) (7)(C) Zip: (b) (6), (b) (7)(C)

Phone Number: (b) (6), (b) (7)(C) E-mail Address: (b) (6), (b) (7)(C)

Federal Agency Involved: USBP Social Security Number: (b) (6), (b) (7)(C)

Date and Place of Birth: (b) (6), (b) (7)(C)

Have you contacted another congressional office? Yes: No ☒ Who?

(For USCIS) Immigration Case Number / A#: \_\_\_\_\_

(For IRS) Tax Return Year (s) in Question: \_\_\_\_\_

(For OPM) Civil Service Claim Number: \_\_\_\_\_

(For VA/Military) Veterans Affairs Claim Number: \_\_\_\_\_

Branch of service: USAF Military Rank: O-4/Maj Dates of service: Feb 16 - Mar 16

SIGNATURE (b) (6), (b) (7)(C) Date: 2/15/16

**\*\*Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case\*\***

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Congresswoman Martha McSally  
77 Calle Portal, Suite B-160  
Sierra Vista, AZ 85635  
Fax: (520) 459.5419



Honorable McSally,

I'm sure you are aware, the United States Border Patrol (USBP) implemented a new pay plan, the Border Patrol Agent Pay Reform Act (BPAPA), that began this calendar year. This pay plan affects anyone that will be required to take Leave Without Pay (LWOP) throughout the year, but mainly those in the National Guard and Reserve components. Initially, this issue was not discussed while the pay plan was being implemented, but now that it has been identified, the USBP union has made it known that it can take years for them to solve the issue.

Under the new pay system, agents are required to work the standard eight hour day as well having to select an overtime band of no hours, one hour, or two hours of daily overtime (50 hour work week or 60 hour work week). Depending on which overtime band you select you are required to work that amount or be indebted to the service. There is a stipulation, that if you take any form of leave (annual, sick, etc...) then you are exempt the overtime for that day. LWOP is also exempt the overtime requirement as long as the entire pay period is taken in that status however, this is not the case if any portion of the pay period was worked.

For my story, I am on the two hour mandatory overtime and was called to perform active duty in February for a month. During the first week of my activation I was able to use Military Leave (ML) and used some LWOP for the second week of the pay period. The pay period began on Sunday the 7<sup>th</sup> of February, for which I worked my eight hour shift and my two hours of obligated overtime. February 8<sup>th</sup>-11<sup>th</sup> I used ML, on the 15<sup>th</sup> I had the Holiday Off, and the 16<sup>th</sup> I took Annual Leave (AL), the 17<sup>th</sup>-19<sup>th</sup> was LWOP. When the pay period ended the USBP stated that I owed them four hours of time. What they did was apply the two hours of overtime that was worked on the 7<sup>th</sup> to an LWOP day (which under Title 5 Part 550) is correct. However, by them taking the time worked from the 7<sup>th</sup> and applying to an LWOP day created a deficit for both the 7<sup>th</sup> and one of the LWOP days, thus me owing four hours.

The same situation happened at the back end of my activation, I was on LWOP from March 6<sup>th</sup>-8<sup>th</sup>, with AL on the 9<sup>th</sup> and 12<sup>th</sup>, and ML the 13<sup>th</sup>-14<sup>th</sup>. I returned to work on the 15<sup>th</sup> and worked my scheduled hours to include the overtime for the remaining days of the pay period. Again, the service took four hours of overtime and applied it to an LWOP day, thus creating another deficit.

Currently, the USBP states that I owe them eight hours of time for which I already worked. When I called, the Employer Support of the Guard and Reserve, they had mentioned that taking the overtime was allowable under law (Title 5 Part 550), but the part of the service then requiring me to re-work those hours was illegal. However, they refused to do anything about it. The USBP Union has been notified and President Brandon Judd does know, but we (agents) were informed that until the issue surrounding the K-9 agents is handled, nothing will be done. They also mentioned that since the pay reform is law, nothing is going to get done for a while.

We (agents) do get 120 hours a year for ML, however, with the BP's odd work schedules and days off, we (reservists) end up burning through those hours and more. For most of us our yearly military commitment is our three week annual training and drill weekends. Agents end up having to use other hours (SL, AL, etc..) to perform our military obligation, most agents are ok with that. I know this does not affect only those in the reserves/guard, but we are the ones who are going to be hurt the most by it due to the days required per year to meet our military obligation.

I currently owe the patrol eight hours of overtime, which means if my station leadership wants me to make that up, they can have me work a six day work week or additional hours throughout the week until that eight hours is paid up. Although I was paid for those hours worked, it does negate the fact that I will have to re-work those hours in order to be considered equal in the eyes of the service.

Thank you for your time.

(b) (6), (b) (7)(C)